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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–6823; Directorate Identifier 2015–NE–38–AD; Amendment 39–18360; AD 2015–27–01]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all General Electric Company (GE) GE90–76B, –77B, –85B, –90B, and –94B turbofan engines. This AD requires performing an eddy current inspection (ECI) or ultrasonic inspection (USI) of the high-pressure compressor (HPC) stage 8–10 spool and removing from service those parts that fail inspection. This AD was prompted by an uncontained failure of the HPC stage 8–10 spool, leading to an airplane fire. We are issuing this AD to prevent failure of the HPC stage 8–10 spool, uncontained rotor release, damage to the engine, and damage to the airplane.

DATES: This AD is effective January 27, 2016.

We must receive comments on this AD by February 26, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–6823; 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 Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: John Frost, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7756; fax: 781–238–7199; email: *john.frost@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received a report of an HPC stage 8–10 spool uncontained failure resulting in an airplane fire. Ongoing investigations have determined that a crack initiated in the stage 8 aft web upper face of the HPC 8–10 spool and propagated until spool rupture. The root cause of the crack initiation is not yet known. This condition, if not corrected, could result in failure of the HPC stage 8–10 spool, uncontained rotor release, damage to the engine, and damage to the airplane. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information

We reviewed GE Service Bulletin (SB) No. GE90 S/B 72–1145, dated November 24, 2015. The SB describes procedures for one-time on-wing USI of the stage 8 web of the stage 8–10 spool. We also reviewed the following chapters of GE GE90 Engine Manual, GEK100700, Revision 66, dated September 1, 2015:

- Chapter 72–31–08, Special Procedure 003, piece-part level ECI,
- Chapter 72–00–31, Special Procedure 006, rotor assembly and module level ECI and,
- Chapter 72–00–31, Special Procedure 007, rotor assembly level USI.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing an ECI or USI of the stage 8 aft web upper face of the HPC stage 8–10 spool and removing from service those parts that fail inspection.

Interim Action

We consider this AD interim action. GE is determining the root cause for the unsafe condition identified in this AD. Once a root cause is identified, we might consider additional rulemaking.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule based on the reported engine failure. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–6823; Directorate Identifier 2015–NE–38–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 1 engine installed on an airplane of U.S. registry. We also estimate that it will take about 7 hours per engine to comply with this AD. The average labor rate is $85 per hour. Required parts cost about $780,000 per engine. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $780,595.

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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–27–01 General Electric Company: Amendment 39–18360; Docket No. FAA–2015–6823; Directorate Identifier 2015–NE–38–AD.

(a) Effective Date

This AD is effective January 27, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GE90–76B, –77B, –85B, –90B, and –94B turbofan engines with high-pressure compressor (HPC) stage 8–10 spool, part number 1694M80G04, installed.

(d) Unsafe Condition

This AD was prompted by an uncontained failure of the HPC stage 8–10 spool, leading to an airplane fire. We are issuing this AD to prevent failure of the HPC stage 8–10 spool, uncontained rotor release, damage to the engine, and damage to the airplane.

(e) Compliance

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

(1) Perform an eddy current inspection or ultrasonic inspection of the stage 8 aft web upper face of the HPC stage 8–10 spool for cracks as follows:

(i) For HPC stage 8–10 spools with serial number (S/N) GWNHC086 or GWNHB875, inspect within 150 cycles-in-service (CIS), after the effective date of this AD.

(ii) For HPC stage 8–10 spools with S/N GWNHC154, GWNHA455, GWNHC153, or GWNHB516, inspect within 300 CIS, after the effective date of this AD.

(2) Remove from service any HPC stage 8–10 spool that fails the inspection required by paragraph (e)(1) of this AD and replace the spool with a spool eligible for installation.

(f) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(g) Related Information

For more information about this AD, contact John Frost, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7756; fax: 781–238–7199; email: *john.frost@faa.gov.*

(h) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on December 21, 2015.

Colleen M. D'Alessandro,

Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–33075 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 183

[Docket No.: FAA–2010–1127; Amdt. Nos. 61–135 and 183–15]

RIN 2120–AJ42

Student Pilot Application Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action requires applicants to apply for a student pilot certificate through a Flight Standards District Office, designated pilot examiner, airman certification representative associated with a pilot school, or certified flight instructor. Aviation Medical Examiners will no longer issue a combination medical certificate and student pilot certificate. Student pilot certificates will be issued on the same medium as other pilot certificates and will have no expiration date. All student pilot certificates issued before the effective date of this final rule will expire according to their terms unless they are replaced by another pilot certificate. This final rule responds to section 4012 of the Intelligence Reform and Terrorism Prevention Act and facilitates security vetting by the Transportation Security Administration of student pilot applicants prior to certificate issuance. This action withdraws the proposal for pilot certificates to include a photograph of the individual pilot. Section 321 of the FAA Modernization and Reform Act of 2012 supersedes section 4022 of the Intelligence Reform and Terrorism Prevention Act, which provided the

basis for the proposed rule. The FAA intends to publish in the future a proposed rule that would implement section 321. Additionally, this action withdraws the proposal to implement fees for pilot certificates.

DATES: This rule is effective April 1, 2016.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How to Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Trey McClure, Airmen Certification and Training Branch, AFS–810, Flight Standards Service, Federal Aviation Administration, 55 M Street SE., 8th Floor, Washington, DC 20003; telephone (202) 267–1100; email *trey.mcclure@faa.gov.*

SUPPLEMENTARY INFORMATION:

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Abbreviations Frequently Used in This Document

ACR—Airman certification representative
AME—Aviation medical examiner
ASI—Aviation safety inspector
AST—Aviation safety technician
CFI—Certified flight instructor
DPE—Designated pilot examiner
FSDO—Flight standards district office
IRTPA—Intelligence Reform and Terrorism Prevention Act
KTC—Knowledge testing center
NPRM—Notice of proposed rulemaking

I. Executive Summary

A. Purpose of Action

As discussed in greater detail throughout this document, this rulemaking requires student pilots to apply for, obtain, and carry a plastic pilot certificate to exercise the privileges of the pilot certificate. Additionally, it modifies the process by which student pilots apply for a certificate. This rulemaking withdraws the proposals to require all pilots to carry a pilot certificate with a photo of the pilot and to implement a fee structure for pilot certificates. A comparison of current requirements, requirements proposed in the November 19, 2010 notice of proposed rulemaking (NPRM) (75 FR 70871), and new requirements adopted by this final rule are included in the following table.

B. Student Pilot Application Requirements: Summary of Current, Proposed, and Finalized Provisions

Scenario	Current regulations	2010 NPRM	Final rule requirements
Digital Photos on all Pilot Certificates.	• No photo on pilot certificate ..... • Pilot must have photo identification on the person and in the physical possession or readily accessible in the aircraft when exercising the privileges of the pilot certificate or authorization.	• Photo on pilot certificate ..... • Pilot must carry pilot certificate with photo according to proposed implementation schedule.	• No change from current regulations.
Application and Certificate Issuance	• A student pilot typically obtains a combination medical certificate and student pilot certificate from an aviation medical examiner (AME). • A student pilot applicant may obtain a student pilot certificate from an aviation safety inspector (ASI) or aviation safety technician (AST) located at a Flight Standards District Office (FSDO) throughout the country. • A student pilot applicant may obtain a student pilot certificate from a designated pilot examiner (DPE).	• A student pilot applicant would not be issued a student pilot certificate at the time of application. • A student pilot must obtain a student pilot certificate that is issued by the Civil Aviation Registry prior to exercising the privileges of the student pilot certificate. • An AME would not issue a combination medical certificate and student pilot certificate or accept an application for a student pilot certificate. • A student pilot applicant could apply in person with an ASI or AST at a FSDO. • A student pilot applicant could apply in person with a DPE.	• A student pilot applicant would not be issued a student pilot certificate at the time of application. • A student pilot must obtain a student pilot certificate that is issued by the Civil Aviation Registry prior to exercising the privileges of the student pilot certificate. • An AME would not issue a combination medical certificate and student pilot certificate or accept an application for a student pilot certificate. • A student pilot applicant could apply in person with an ASI or AST at a FSDO.

Scenario	Current regulations	2010 NPRM	Final rule requirements
		• A student pilot applicant could apply in person at a Knowledge Testing Center (KTC).	• A student pilot applicant could apply in person with a DPE. • A student pilot applicant may apply in person at with an airman certification representative (ACR) associated with a part 141 pilot school. • A student pilot applicant may apply in person with a certified flight instructor (CFI).
Implementation Schedule	• None previously required. Proposals were based upon the implementation of digital photos on all pilot certificates.	• A 5-year phased implementation schedule that included a ''trigger-based'' approach to issue pilot certificates with photos to people interacting with the FAA and a ''non-trigger based'' approach that required pilots to obtain a pilot certificate with a photo during a 3-, 4-, or 5-year period depending on the type of certificate. • An effective date of the first day of the calendar month following 60 days from the date of publication in the **Federal Register**.	• An effective date of 180 days from the date of publication in the **Federal Register**. • Current student pilot certificate holders may continue exercising the privileges of the student pilot certificate until the certificate expires according to its current terms. • The FAA will charge a $2 fee for replacement of a pilot certificate including a student pilot certificate which is consistent with existing § 187.5.
Fees	• The FAA charges a $2 fee for replacement, duplicate, or facsimile of a pilot certificate.	• The FAA would charge $22 for initial issuance or renewal of a pilot certificate.	
Expiration date	• The student pilot certificate is valid for a period of 24 or 60 calendar months after the date of issuance, depending on the age of the student pilot.	• The student pilot certificate would have no expiration date, although the photo would need to be updated every 8 years to continue exercising privileges of the student pilot certificate.	• The student pilot certificate has no expiration date.
Student Pilot Endorsements	• Flight Instructor endorses the student pilot certificate and the student's logbook.	• Flight Instructor would endorse the student's logbook.	• Flight Instructor endorses the student's logbook.

C. Costs and Benefits of the Final Rule

The FAA estimates that the total costs for the final rule will be from $17 to $20.9 million over a ten-year period (2015–2024), which has a present value of $12.2 to $14.9 million using a 7 percent discount rate and has a present value of $14.7 to $18 million using a 3 percent discount rate.

Total costs to student pilots, including the time to complete and process paperwork, will be from $7.1 to $11 million during the next ten years, which has a present value of $5 to $7.7 million using a 7 percent discount rate and has a present value of $6.1 to $9.4 million using a 3 percent discount rate.

The FAA, in turn, will incur total unreimbursed costs of about $9.8 million to process the information, which has a present value of about $7.1 million using a 7 percent discount rate and has a present value of $8.5 million using a 3 percent discount rate.

Some authorized individuals [1] will incur about $70,000 over the next 10 years in mailing expenses to send student pilot applications to FAA's Civil Aviation Registry, which has a present value of about $50,000 using a 7 percent discount rate and has a present value of $60,000 using a 3 percent discount rate.

This rulemaking facilitates security vetting of all pilot certificate applicants before the FAA issues a pilot certificate. The FAA notes that following the direction of Congress provides a sufficient reasoned determination to justify the costs. These potential benefits are not quantifiable. The following table provides a summary of the cost-benefit analysis.

TABLE OF COSTS AND BENEFITS OF THE FINAL RULE

[2015–2024]

Affected group	Total cost		Present value			
	Lower	Upper	7 Percent		3 Percent	
			Lower	Upper	Lower	Upper
	(Millions, 2014 $)					
Student Pilots	$7.1	$11.0	$5.0	$7.7	$6.1	$9.4

[1] As discussed later in this document, an authorized individual is an ASI or AST at a FSDO, a DPE, an ACR associated with a part 141 pilot school, or a CFI who may accept a student pilot certificate application and verify the applicant's identity.

TABLE OF COSTS AND BENEFITS OF THE FINAL RULE—Continued

[2015–2024]

Affected group	Total cost		Present value			
	Lower	Upper	7 Percent		3 Percent	
			Lower	Upper	Lower	Upper
	(Millions, 2014 $)					
FAA	$9.8		$7.1		$8.5	
Authorized Individuals	$0.07		$0.05		$0.06	
Total	$17.0	$20.9	$12.2	$14.9	$14.7	$18.0

	Total benefits	PV benefits
Total Social Benefit	Not quantifiable	

Note: The sum of individual items may not equal totals due to rounding.

II. Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

Under Subtitle VII, Part A, Subpart iii, Section 44703(b)(1)(C), the FAA may define the terms of an airman certificate that the FAA Administrator finds necessary to ensure safety in air commerce. Additionally, Subtitle VII, Part A, Subpart iii, Section 44703(g)(1) permits modifications to the airman certification system to make it more efficient in serving the needs of those enforcing laws related to combating acts of terrorism by ensuring verifiable identification of individuals applying for airman certificates. In Section 4012(a)(1) of the Intelligence Reform and Terrorism Prevention Act (IRTPA),[2] Congress required the Transportation Security Administration (TSA), in coordination with the FAA, to vet individuals against the terrorist watch lists prior to FAA certificate issuance.

This rulemaking is within the scope of that authority because it facilitates security vetting of all pilot certificate applicants before the FAA issues a pilot certificate.

III. Background

A. Congressional Mandate

On December 17, 2004, the President signed IRTPA. Section 4022 of that law requires the FAA to issue improved pilot certificates that (1) are resistant to tampering, altering, or counterfeiting; (2) include a photograph of the individual to whom the certificate is issued; and (3) are capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier the FAA Administrator considers necessary. The law also allows the Administrator to use designees to carry out this mandate. IRTPA also amended Title 49 of the United States Code by requiring TSA, in coordination with the FAA, to screen individuals ''against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Government before being certificated by the FAA.'' [3]

On February 14, 2012, the President signed the FAA Modernization and Reform Act of 2012.[4] Section 321 of that law directs the FAA to issue improved pilot certificates consistent with certain requirements. The improved pilot certificates must be compliant with Federal Information Processing Standards–201 (FIPS–201) or Personal Identity Verification—Interoperability Standards (PIV–I) for processing through security checkpoints into airport sterile areas. The certificates must be resistant to tampering, alteration, and counterfeiting; must include a photograph of the individual to whom the certificate is issued for identification purposes; and must be a smart card, which is able to accommodate iris and fingerprint biometric identifiers. Additionally, section 122 of that Act directs the FAA to establish and collect fees for certain airman certification and aircraft registration activities to recover the cost of providing those services.

Sections 321 and 122 supersede the authority under which the FAA published the NPRM proposing to implement the requirements of IRTPA. Accordingly, the FAA withdraws the portions of the proposal that address photographs and fees for certificate issuance. The FAA has initiated other rulemakings to address the requirements stemming from sections 321 (RIN 2120–AK33) and 122 (RIN–2120–AK37). The FAA is issuing this final rule to address the requirements in section 4012 of IRTPA to ensure vetting of all student pilots prior to certificate issuance.

B. Related Actions

The Federal Aviation Administration Drug Enforcement Assistance Act of 1988 (''DEA Act''),[5] identified deficiencies in the FAA's aircraft registration and pilot certification systems.[6] The FAA published an NPRM to address the deficiencies but withdrew the NPRM after determining that technological improvements could accomplish most requirements of the DEA Act.[7] As part of the technological improvements, the FAA discontinued issuing paper pilot certificates and began issuing plastic pilot certificates in 2003. The plastic certificates are made of high quality plastic card stock and contain such tamper- and counterfeit-resistant features as micro printing, a hologram, and a UV-sensitive layer as well as a magnetic strip that contains a unique identifier.

On January 5, 2007, the FAA published the Drug Enforcement Assistance NPRM.[8] That NPRM proposed changes to the airman certification and aircraft registration requirements to comply with the

[2] Public Law 108–458, 118 Stat. 3638 (Dec. 17, 2004) (codified at 49 U.S.C. 44903(j)(2)(D)).

[3] 49 U.S.C. 44903(j)(2)(D).

[4] Public Law 112–95, 126 Stat. 11 (Feb. 14, 2012).

[5] Public Law 100–690, 102 Stat. 4181 (Nov. 18, 1988).

[6] *See* sections 7203(a) and 7205(a), Public Law 100–690.

[7] 70 FR 72403 (Dec. 5, 2005).

[8] 72 FR 489.

mandates of the DEA Act that could not be completed without rulemaking. Among other requirements, the NPRM proposed requiring holders of pilot certificates and other airmen certificates to hold a plastic certificate to exercise the privileges of that certificate.

On February 28, 2008, the FAA published the Drug Enforcement Assistance final rule (''the DEA final rule'').[9] In that rule, the FAA required all pilots, except student pilots, to obtain a plastic certificate by March 31, 2010. After that date, pilots without plastic certificates could not exercise the privileges of their certificates. The DEA final rule also satisfied the IRTPA requirement to issue pilot certificates that are resistant to tampering, altering, and counterfeiting.

C. Summary of the NPRM

On November 19, 2010, the FAA published an NPRM titled ''Photo Requirements for Pilot Certificates.'' [10] The NPRM proposed to further fulfill the requirements of section 4022 of the IRTPA by requiring a photo of the pilot on all plastic pilot certificates, including student pilot certificates. The FAA also proposed a $22 fee to process an application for: (1) Exchanging an existing certificate without a photo for a certificate with photo; (2) issuing a new pilot certificate or student pilot certificate; and (3) replacing a pilot certificate with photo whenever a replacement certificate is requested by a pilot or required by regulation. The FAA proposed that pilots be required to update their photo every 8 years.

The FAA proposed to begin issuing a pilot certificate with photo to applicants for a new pilot certificate once the rule became effective. To minimize the burden of reissuance on existing certificate holders, the FAA proposed a 5-year implementation period. During the implementation period, the FAA proposed that pilots be required to exchange their non-photo pilot certificates for pilot certificates with photo when they interacted with the FAA. These ''triggering events'' included activities such as upgrading a certificate, obtaining or renewing a flight instructor certificate, or replacing a pilot certificate due to change of name, citizenship, date of birth, or change of gender. For pilots who would not otherwise have a need to interact with the FAA during the implementation period, the FAA proposed a phased approach, with different compliance dates for different categories of pilots.

The NPRM also described the proposed process for submitting an application for a pilot certificate with photo. To receive their initial pilot certificates with photo, the FAA proposed that all pilots appear in person to have their identities verified. The FAA proposed allowing FSDOs or other approved FAA designees such as DPEs or KTCs to accept the applications and verify pilots' identities. Pilots would still be able to replace lost or destroyed certificates with or without photo by mail or via the Airman Certification Branch's Web page on the FAA Web site.

The proposed rule applied to all pilots, including student pilots. The FAA proposed that student pilots obtain a plastic certificate with photo instead of a paper certificate. The plastic pilot certificate with photo would not have an expiration date. However, the FAA proposed that certificate holders be required to submit a new photo every 8 years. Because the student pilot certificate would be plastic and contain a photo, the FAA proposed that AMEs no longer issue student pilot certificates or combination medical certificates and student pilot certificates. Students would continue to receive their medical certificates from AMEs but would go to a FSDO, DPE, KTC, or other approved FAA designee to apply for a student pilot certificate with photo. Additionally, because the new student pilot certificates would be plastic, the FAA proposed that flight instructors endorse only students' logbooks.

D. General Overview of Comments

The FAA received approximately 470 comments to the NPRM. Most were from individual pilots. In addition, the agency received comments from Transport Canada, the Society of Aviation and Flight Educators (SAFE), the National Association of Flight Instructors (NAFI), the Air Line Pilots Association (ALPA), the Helicopter Association International (HAI), the Aircraft Owners and Pilots Association (AOPA), the Experimental Aircraft Association (EAA), the National Air Transportation Association (NATA), and the United States Pilots Association (USPA). Most of the commenters opposed the concept of adding a photo to the pilot certificate, as well as the proposal to require student pilots to have a certificate with a photo. Commenters also suggested changes to the proposals, which are discussed more fully later in this document.

The FAA received comments on the following general areas of the proposal:

- Requirement of a photo on pilot certificates.
- Fees for obtaining new, replacement, or renewed a pilot certificate with photo.
- Inclusion of students in the requirement to have certificates with photo.
- Duration of the photo on the certificate.
- Application process for new, replacement, or renewed pilot certificates with photo.
- Implementation process using ''trigger'' events and phased deadlines.
- Regulatory evaluation.
- Lack of security benefits by adding a photograph.

E. Summary of Final Rule

This rule adopts the proposal to require student pilots to carry a plastic certificate and apply in person for a student pilot certificate at a FSDO, through a DPE, with an ACR associated with a part 141 pilot school, or with a CFI. This rule withdraws the remaining proposals.

Student pilots will receive plastic student pilot certificates instead of a paper student pilot certificate or combination medical certificate and student pilot certificate. The cost to replace a student pilot certificate will be $2, the same as other certificates. This current nominal fee defrays part of the Registry's cost of replacing the pilot certificate. The plastic certificates will not expire, which will give the student unlimited time to complete training without having to apply for another student pilot certificate.

AMEs no longer will issue a combination medical certificate and student pilot certificate or accept an application for a student pilot certificate. An applicant must appear in person to apply for a student pilot certificate at a FSDO, through a DPE, with an ACR associated with a part 141 pilot school, or with a CFI. The Civil Aviation Registry will send a plastic student pilot certificate to the applicant after successful completion of security vetting by TSA. Receipt of a student pilot certificate is required prior to exercising the privileges of a student pilot certificate (*i.e.,* prior to solo flight). Finally, because the student pilot certificate will be plastic, flight instructors will endorse only students' logbooks instead of their certificates and logbooks. After April 1, 2016, CFIs no longer must endorse a student pilot certificate regardless of certificate media. Thus, all endorsements for student pilots will be placed in the logbook. The validity period of a CFI's endorsement for a student pilot will remain unchanged at 90 days.

[9] 73 FR 10662.

[10] 75 FR 70871.

Student pilots who have been issued a paper student pilot certificate or combination medical certificate and student pilot certificate may continue to use their paper certificate. These currently-issued student pilot certificates will expire according to the requirements of § 61.19(b).[11] Holders of a paper student pilot certificate (FAA form 8710–2 or FAA Form 8420–2 Medical Certificate and Student Pilot Certificate) may request from the Civil Aviation Registry a replacement (plastic) student pilot certificate that does not expire for a $2 fee, which is the current charge for a replacement.

IV. Discussion of Public Comments and Final Rule

A. Photo on Pilot Certificates

In the NPRM, the FAA proposed to include a photo of the individual pilot on all pilot certificates to comply with section 4022 of IRTPA.

A total of 382 comments specifically addressed the issue of adding a photo to pilot certificates. Of these commenters, only 47 commenters supported the idea. Most of the supportive commenters stated that the proposal would ensure the certificate holder is who he or she claims to be and make certificates more difficult to forge. A few believed the addition of a photo would make the pilot certificate appear more ''professional.'' The remainder expressed support for adding a photo without providing a reason. NAFI and NATA were among the supporters of adding a photo to the pilot certificate, but they expressed concern over some of the other proposals in the NPRM and suggested some changes. An additional four commenters, including EAA, supported the idea of a photo on the pilot certificate only if compliance was voluntary. Three commenters suggested also adding a photo to other certificates, such as mechanic and repairman certificates.

A total of 335 commenters, including USPA, opposed the proposal to add a photo to the pilot certificate. Most of these commenters stated the current requirement to carry a form of government-issued photo identification in addition to the pilot certificate was simple, adequate, and should be continued. Many claimed the proposal would do nothing to increase security or safety, because certificates could still be forged, and a determined terrorist would not be deterred. Others stated that a photo on a certificate would not increase security because pilots were seldom, if ever, asked to present a pilot certificate before flying. Additionally, 10 commenters, including SAFE, NAFI, and AOPA, stated that the proposal would not effectively increase security or meet the requirements of IRTPA because the certificate would lack a biometric other than a photo.

Thirty-one commenters proposed exemptions for certain categories of non-student pilots, such as flight instructors, sport pilots, and any already-certificated pilots. These commenters included SAFE, NAFI, HAI, and AOPA, who all called for exempting flight instructor certificates because those certificates must be renewed every 2 years. The commenters also stated that requiring instructors to pay the proposed certificate renewal fee more frequently than other pilots would impose an unfair burden on this pilot population. Additionally, because flight instructor certificates are not valid without an underlying pilot certificate, these organizations believed requiring a photo on the flight instructor certificates would be redundant. ALPA requested an exemption for part 121 and 135 pilots, stating that extensive background checks and TSA-issued credentials mean these pilots are less of a security threat than other pilots.

Eleven commenters, including SAFE, supported pilot certificates with photo only if the new certificate provided additional benefits, such as allowing access through TSA checkpoints or replacing airport-specific badges. Many of these commenters stated that pilots would be unwilling to pay a fee for the certificate with photo unless they saw a substantial personal benefit, such as allowing unescorted access to airports or faster checkpoint clearance. SAFE commented that if the FAA were to modify the pilot certificate in a manner that would be compliant with TSA security requirements, such as adding ''smart card'' or biometric features, the pilot certificate might be able to replace the airport-specific badges pilots currently must carry. Carrying one card instead of several would reduce the burden on pilots.

As discussed earlier, sections 321 and 122 of Public Law 112–95, which was enacted while this rulemaking was pending, supersedes section 4022 of IRTPA. Accordingly, the FAA withdraws the proposals to include a photo of the pilot on the pilot certificate and the proposed $22 pilot certificate fee. The FAA has initiated other rulemakings to address sections 321 and 122.

B. Application Process for Pilot Certificates With Photo Other Than Student Pilot Certificates

Currently, pilots must appear in person in order to upgrade a certificate or to add a rating. Additionally, a pilot who wants to change any vital information on the certificate must also appear in person. The FAA requires pilots to appear in person before an FAA ASI, AST, or an approved designee in these instances because they involve identity verification; an examination of skills or knowledge; verification of records; or a combination of these requirements. If a pilot certificate is lost or destroyed, the pilot may apply for a replacement online or by mail under current rules.

In the NPRM, the FAA proposed that pilots must appear in person for the purpose of identity verification in the following circumstances: when applying for a non-student pilot certificate with photo for the first time; when changing vital information on the certificate (such as name, date of birth, citizenship, or gender); and when upgrading a certificate or adding a rating. For these in-person applications, the FAA proposed that a pilot must appear at a FSDO or an FAA designee. Applicants would also need to provide a photo as part of the application process. For a replacement of a lost or destroyed pilot certificate, a pilot could submit an application in person, through the mail, or online.

Two commenters stated that the proposed non-student pilot certificate application process was adequate and would not impose a burden on pilots. Twenty-seven commenters stated that the proposed application process was too burdensome for pilots. They claimed that the hours of operation for FSDOs are inconvenient for most people, and that scheduling an appointment is difficult. They also asserted that many pilots live far away from FSDOs or FAA designees. Commenters contended the travel distance, fuel costs, time away from work, and possible hotel room costs incurred while traveling to a FSDO or approved FAA designee would put a financial strain on pilots. Additionally, commenters claimed that allowing DPEs to charge an unspecified fee for accepting applications would further increase the financial cost to pilots. Other commenters noted the difficulty of finding an FAA designee in foreign countries.

Sixty-eight commenters suggested improvements to the proposed application process. Of these

[11] Regardless of whether the student pilot is issued a student pilot certificate or combination medical certificate and student pilot certificate, the student pilot certificate expires under a calculation from the medical certificate examination date according to the requirements of § 61.19(b), which is either 24 or 60 calendar months from the date of the medical examination, depending on the age of the pilot.

commenters, 23 suggested using State Department of Motor Vehicle (DMV) offices in some way, since those offices have experience producing identifications with photos and most pilots already use DMVs to obtain driver's licenses. For instance, commenters suggested the FAA could designate DMVs as portals for accepting pilot certificate applications, or even authorize DMVs to issue pilot certificates. Some believed the FAA should access DMVs' databases and use those photos on pilot certificates, thus eliminating the need for pilots to provide an additional photo for their pilot certificates.

The second most common suggestion was for the FAA to make the pilot certificate application process web-based. Twenty commenters stated that it would be more convenient and less costly for pilots to submit applications and photos through a web-based system, such as the FAA's Integrated Airman Certification and/or Rating Application (IACRA). They said that submitting applications online would save time for pilots, especially those pilots living in rural areas. Some commenters stated that even if the FAA still required in-person application submissions in some instances, electronic submissions would at least be easier for the FSDO or FAA designee to handle than paper submissions. Electronic submissions would also reach the FAA faster than paper submissions, reducing delays in processing applications and issuing certificates. SAFE, NAFI, and HAI supported this idea.

Sixteen commenters suggested the FAA authorize the U.S. Postal Service to accept pilot certificate applications and photos and to verify the identity of the applicant, similar to the way many post offices accept passport applications. The commenters noted that most pilots live closer to a post office than to a FSDO or pilot school. The commenters also noted the hours of operation for post offices are often more convenient.

Another suggestion from seven commenters was to work in conjunction with the U.S. State Department because of its experience issuing passports with photos. These commenters stated that pilots who already have U.S. passports could save time and money if the FAA had a method of accessing the passport photo database and adding those photos to pilot certificates. Since the FAA's proposal for photo requirements is identical to the requirements for passport photos, the commenters believed the photos in the passport database should be adequate for use on pilot certificates.

Several commenters suggested increasing the types of persons the FAA could use as designees to accept applications and verify identities. Among the persons suggested as additional FAA designees were ACRs, flight instructors, and carrier personnel such as check airmen and directors of training and operations. The commenters believed that authorizing more persons to accept applications and verify identities would make the application process more convenient for pilots.

Finally, a few commenters, including EAA, suggested that the FAA accept pilot certificate applications and photos at major aviation events such as AirVenture Oshkosh and Sun 'n Fun. They stated that since the FAA usually sends representatives to such events, it would be logical to allow those representatives to accept applications and photos and verify identities. It would also be convenient for pilots who live far from a FSDO or other designated portal, but who regularly attend these events.

As stated earlier, the FAA withdraws the proposal to issue pilot certificates with a photo. The FAA will consider the additional suggestions as it develops an NPRM for Pilot Certificate with Photograph and Biometric Information (RIN 2120–AK33).

C. Requiring Student Pilots To Obtain a Plastic Pilot Certificate

Under current regulations, student pilots hold paper certificates. Paper student pilot certificates are valid for either 24 or 60 calendar months, depending on the age of the student pilot at the time of issuance.

In the NPRM, the FAA proposed to treat student pilots like other pilots and require them to obtain a plastic student pilot certificate with a photo. The FAA proposed that the new student pilot certificate would not have an expiration date. However, the student pilot would have to renew the photo every 8 years in order to continue exercising the privileges of the student pilot certificate. The FAA proposed that only the FAA Civil Aviation Registry would issue pilot certificates with a photo. DPEs and AMEs would no longer issue student pilot certificates. DPEs, however, would be able to accept applications for student pilot certificates with photo. Additionally, the FAA proposed that because new student pilot certificates would be plastic, flight instructors would endorse only student pilot logbooks instead of student pilot certificates and logbooks.

This final rule will require persons to apply for a student pilot certificate at a FSDO, through a DPE, with an ACR associated with a part 141 pilot school, or with a CFI. The applicant must receive a plastic student pilot certificate from the Civil Aviation Registry prior to exercising the privileges of a student pilot certificate (*i.e.,* conducting a solo flight). However, the FAA will allow current student pilot certificate holders to continue exercising privileges of their student pilot certificate until the certificate expires according to § 61.19(b). In other words, this final rule does not require the holder of a paper student pilot certificate to surrender that certificate and replace it with a plastic student pilot certificate. Student pilot applicants will no longer be able to obtain paper student pilot certificates at the time of application. This final rule eliminates the need for FAA Form 8710–2, the Student Pilot Certificate. As discussed earlier, the FAA withdraws the portion of this proposal related to including a photo of the pilot on the pilot certificate, as well as the requirement that the photo be renewed every 8 years.

Numerous commenters questioned the proposed application process for a student pilot certificate, as discussed earlier with respect to all pilot certificates. An individual commenter suggested that CFIs could verify a student pilot applicant's photograph identification and enter the data into IACRA for transmittal to the Civil Aviation Registry. Permitting CFIs to accept applications for student pilot certificates would reduce the burden on applicants.

In light of the comments, and because of the narrower scope of this final rule, the FAA has reconsidered who may accept an application.

As proposed, AMEs will not issue a combination medical certificate and student pilot certificate at the time of a medical examination nor accept an application for a student pilot certificate. Accordingly, § 183.21 is amended to remove the privilege for AMEs to issue student pilot certificates.

Though not proposed, the FAA has concluded that permitting CFIs to accept a student pilot application significantly reduces the travel burden associated with a student pilot certificate application. A person applying for a student pilot certificate would engage and visit a CFI to conduct flight training, and an applicant could complete the application during any flight training session. Additionally, TSA regulations currently require CFIs to verify a student pilot's identity under 49 CFR 1552.3(h)(1). That section

requires a flight school [12] to endorse a pilot logbook verifying that the student is a U.S. citizen and presented identification prior to flight training, which likely would be the same time that a person would apply for a student pilot certificate. Accordingly, the privileges of a CFI under §§ 61.193 and 61.413 have been amended by this final rule to allow CFIs to accept a student pilot application, verify the applicant meets the eligibility requirements in § 61.83, and verify the applicant's identity in accordance with TSA security vetting requirements as described in Appendix 2 of Advisory Circular 61–65, Certification: Pilots and Flight and Ground Instructors. CFIs will not be able to issue a student pilot certificate and will follow the application acceptance process as discussed in the following paragraphs.

Additionally, an ASI or AST at a FSDO, a DPE, or an ACR associated with a part 141 pilot school will continue to be able to accept an application and verify the applicant's identity, but they will not be able to issue a student pilot certificate. These individuals, along with CFIs, are referred to collectively as authorized individuals for the purposes of application acceptance in this discussion.

The FAA is withdrawing the proposal to permit KTCs to accept an application due to potential added costs to equip and train KTC personnel and also because KTC personnel currently are not authorized to accept an application for an airman certificate. Withdrawing the portion of the NPRM that requires all pilots to obtain a pilot certificate with a photo significantly reduces the number of individuals affected by this final rule. The reduced number of affected applicants does not justify the resources necessary to designate and train KTCs on accepting applications. Furthermore, by permitting CFIs to accept an application for a student pilot certificate, applicants will have no additional travel burden associated with their student pilot certificate application because they already will interact with a CFI for flight training.

The FAA expects that all authorized individuals will utilize IACRA for the purpose of accepting a student pilot application. IACRA is a Web-based certification/rating application that guides the user through the FAA's application process. The FAA notes that IACRA currently may be used to submit a student pilot application and therefore will not require substantial modifications to the Web-based application system. However, IACRA will be modified so a student pilot certificate will not be issued at the time of application.

A person who meets the eligibility requirements of a student pilot certificate may register as an applicant through IACRA which stores FAA form 8710–1 electronically until an authorized individual accesses the form. FAA form 8710–1 may be accessed by an authorized individual by searching for the person's unique FAA tracking number (FTN) assigned by an FAA internal system after the person has completed the required items on the student pilot application form. The authorized individual will verify that the applicant meets the regulatory eligibility requirements, and that the application has been completed properly. Additionally, the authorized individual will verify the applicant's identity in accordance with TSA security vetting requirements as described in Appendix 2 of Advisory Circular 61–65 and input the identification data into IACRA when prompted. Once the authorized individual has completed the application through IACRA, it will be transmitted electronically to the Civil Aviation Registry for processing.

All authorized individuals will have the ability to accept a student pilot application in paper format to ensure all applicants have uninterrupted ability to apply for an FAA student pilot certificate. The same information captured on the paper FAA form 8710–1 is captured within IACRA. However, once the authorized individual verifies that the application is complete in accordance with the form's instructions and FAA Order 8900.1, the Flight Standards Information Management System, the individual will send the student pilot application to the Civil Aviation Registry via first-class mail. The FAA notes that the submittal of a paper FAA form 8710–1 may delay the issuance of a student pilot certificate because of mailing time. While an authorized individual has the ability to accept a paper FAA form 8710–1, the FAA anticipates that a majority of these applications will be submitted via IACRA.

Once a student pilot application is received, the Civil Aviation Registry will verify compliance and the accuracy of the application and provide the applicant's information to TSA for security vetting prior to certificate issuance. Under current FAA procedures, the FAA transmits a student pilot's biographic information for security vetting to TSA after certificate issuance. However, under this final rule, the Civil Aviation Registry will issue the student pilot certificate only after receiving a successful response from TSA. The Civil Aviation Registry will mail the student pilot certificate via U.S. Postal Service to the address listed on the application. All pilots will continue to be vetted perpetually thereafter.

Of the 65 commenters that addressed the proposal to require student pilots to obtain a plastic student pilot certificate with a photo, only two supported the proposal. They believed that students should be treated like any other pilot. One additional commenter stated that issuing student pilot certificates that do not expire would be an improvement over the current student pilot certificates that are only valid for 24 or 60 months, but the commenter did not address any other aspects of the student pilot certificate proposal.

Forty-nine commenters believed student pilots should be exempt from the requirement to have a plastic certificate with a photo. Most of these commenters, including HAI, AOPA, NATA, EAA, NAFI, and SAFE, expressed the belief that the projected 6 to 8 week delay, as stated in the NPRM, in waiting for a plastic certificate with a photo would be a serious burden for student pilots, who could not fly solo without the certificate. Commenters believed that the wait time might discourage students from completing their training or from even starting training. The result, these commenters claimed, would be a negative impact on flight schools and flight instructors. Additionally, some commenters stated that since students are under the guidance and supervision of a flight instructor, they pose less of a security risk and should be exempt from the proposed requirements.

The FAA will take steps to expedite student pilot applications in order for students to receive their student pilot certificates so they may exercise the privileges of the certificate as soon as feasible. The FAA estimates that the turnaround time for student pilot certificates can be reduced to an average of 3 weeks or less, provided that initial security vetting by TSA indicates that the applicant is eligible for the certificate. If an applicant is deemed ineligible by TSA on security grounds, he or she will be able to seek redress through TSA's administrative procedures.

Thirteen commenters suggested that if students must obtain a plastic certificate with a photo, they should immediately receive a temporary paper certificate (with or without a photo) that would

[12] TSA defines a flight school as any pilot school, flight training center, air carrier training facility, or flight instructor certificated under 14 CFR parts 61, 121, 135, 141, or 142. 49 CFR 1552.1(b).

allow them to fly solo while waiting to receive the plastic certificate with photo. Organizations that proposed a temporary student pilot certificate included SAFE, NAFI, and AOPA; although all three believed students should ideally be exempted from the requirement to hold a certificate with a photo.

IRTPA required that security vetting of all individuals, including pilots, must be successfully completed by TSA before the FAA issues a certificate. Therefore, applicants for student pilot certificates must be vetted to receive their certificates and operate an aircraft as pilot in command.

Seventeen commenters specifically addressed the proposal to remove AMEs from the student pilot certification process, including NATA, EAA, and SAFE. All 17 opposed the proposal. EAA and other commenters indicated that not allowing AMEs to issue student pilot certificates would create additional burdens for students, who would have to make a trip to another location for their certificate. NATA asked that the FAA continue the issuance and use policies and procedures already in place for paper student pilot certificates. Some, including SAFE, suggested that AMEs should at least be able to accept student pilot applications and photos. Others disagreed with the FAA's assertion that requiring AMEs to verify a student's identity would be a burden on the AME. They noted that AMEs already must verify an applicant's identity in order to assure the students they are examining are who they claim to be.

To address the IRTPA mandates, the FAA's Civil Aviation Registry will issue plastic, tamper-resistant student pilot certificates following successful security vetting of the applicant. AMEs are required, under § 67.4, to verify the identity of an applicant for a medical certificate; however, they are not required to have the capability to produce plastic, tamper-resistant certificates, nor do they have the authority to make security vetting determinations about applicants. The FAA considered allowing student pilot applicants to continue to make application with an AME to maintain convenience for student pilot applicants. Ultimately the Agency determined that AMEs, who are physicians, should focus on the medical qualifications of an applicant rather than on airman certification activities that are within the expertise of other FAA designees.

In addition, the advent of IACRA, an online application system that replaces paper-based systems, has significantly increased FAA data safeguarding, maintenance, and safety oversight responsibilities. The current combination student pilot and medical certificate, issued by AMEs, dates from the paper-based era and does not take advantage of technological advances that have improved the airman certification process. Integrating the data collected by an AME into the centralized Civil Aviation Registry system presents significant technological and administrative challenges. By necessity for privacy reasons, the IACRA system and the medical certification systems must be kept separate. The FAA's recordkeeping and personal identity information protection would be compromised if the FAA's medical application and airman application databases were fully integrated. Currently, IACRA does not have a role developed to allow AMEs to utilize the system to process a student pilot application, and creation of such a role would require training and oversight by a different FAA line of business than that which typically supports AMEs. This duplication of oversight and use of multiple systems by AMEs would not only increase the likelihood of errors but also would reverse the FAA's efforts to decrease duplication and redundancy. Accordingly, the FAA has determined that data is better safeguarded by keeping medical and operational certification processes and oversight separate and distinct. Doing so necessitates separate medical and operational electronic portals to remove any possibility of data spillage. Keeping the processes and oversight separate also allows medical certification and airman certification personnel and designees to focus on the duties within their respective areas of expertise, thus improving regulatory compliance and the overall user experience.

In addition, given the statutory requirement to complete security vetting before issuing a certificate, the AME process of issuing student pilot certificates is no longer viable. In this regard, the FAA realized that it would not be efficient to continue to issue two separate types of student pilot certificates. The most efficient option is to dedicate centralized Civil Aviation Registry resources to the certification process. Therefore, the Civil Aviation Registry will issue a student pilot certificate after successful completion of TSA security vetting based on a student pilot's application which is made either at a FSDO, through a DPE, with an ACR associated with a part 141 pilot school, or with a CFI.

This final rule permits CFIs (as well as other operational designees) to accept student pilot certificate applications to minimize burdens on those applicants. Streamlining the application process by expanding the use of CFIs and other operational designees, even though the Agency is removing AMEs, will maintain applicant portal options and allow for enhanced FAA oversight capability of the pilot certification process. In the overwhelming majority of circumstances, a person seeking to pursue pilot certification will encounter a CFI (or an ACR at a part 141 pilot school) significantly before that person encounters an AME. Accordingly, the FAA has determined this final rule reduces the burden on a student pilot applicant while also streamlining FAA processes.

Because student pilot certificates now will be issued without an expiration date, the process for obtaining a replacement certificate if the certificate is lost or destroyed will be the process under § 61.29 as is currently in place for other pilot certificates. Similarly, the current replacement fee of $2 under § 187.5 will apply.

Finally, as proposed, the FAA is amending various requirements concerning endorsements for student pilots. Because the FAA will issue plastic student pilot certificates, endorsements will be made only in the student pilot's logbook upon the effective date of this final rule regardless of whether a paper or plastic pilot certificate had been issued to the student at the time of issuance. In addition to the amendments in the NPRM, the FAA is amending §§ 61.415 and 61.423 to remove the requirement to endorse the student pilot certificate.

D. Duration of Photo on Pilot Certificate

The FAA proposed to add an expiration date to the photo on the pilot certificate. The pilot would need to renew the photo every 8 years in order to continue to exercise the privileges of the certificate. Requiring pilots to update their photos would ensure that the photo on the certificate continued to resemble the pilot and to serve as an adequate proof of identity. The FAA's proposed 8-year photo duration matches the requirements for drivers licenses set forth in the Real ID Act of 2005.[13] While the Real ID Act did not address pilot certificates, the FAA viewed the 8-year duration as Congress's latest expression on the appropriate validity for government identification.

[13] Public Law 109–12, 119 Stat. 231 (May 11, 2005).

Of the 49 commenters who specifically mentioned the proposed photo duration period, 9 believed that 8 years was an acceptable timeframe. Among these supporters were NAFI and EAA. Five commenters objected to any photo expiration date, stating that the cost of having to renew the certificates was unacceptable. One commenter believed the photo should be updated more frequently than every 8 years, since an individual's appearance can change dramatically in a few years.

Thirty-four commenters believed the photo should have a 10-year duration, similar to U.S. passports. They stated that since the 10-year period was acceptable for an official government and internationally-recognized identification such as a passport, the same time period should be adequate for a pilot certificate. They also noted that increasing the time between required photo renewals would save pilots money over the course of a lifetime. Finally, some commenters favored a 10-year duration simply because 10 was a round number and easier to remember than 8 years.

As stated earlier, the FAA withdraws the proposal to issue pilot certificates with a photo and will consider the issue in a rulemaking to address the requirements of section 321 of Public Law 112–95. Accordingly, pilot certificates (including student pilot certificates) will continue to be issued without an expiration date.

E. Fees for Issuing Pilot Certificates With Photo

The FAA proposed a $22 fee for all new, replacement, upgraded, or renewed pilot (including student pilot) certificates with photo. The fee was intended to recover some of the costs of producing the certificates. While production costs per certificate exceed this amount, $22 is the maximum amount the FAA was permitted to charge under 49 U.S.C. 45302(b)–(c), which provided the statutory authority for the NPRM.

Of the 76 commenters that specifically mentioned the proposed $22 fee for a new, replacement, or renewed certificate with photo, 5 stated that the proposed amount was acceptable.

Of the remaining 71 comments, 38 stated that the proposed fee was too high but did not suggest what they thought would be an acceptable amount. Five commenters stated that the certificate should cost ''no more than a driver's license,'' but again did not provide an amount. Twenty-two commenters stated that since the pilot certificate with a photo was a Congressional mandate, there should be no fee. They contended expenses should be funded from the FAA's budget, from aviation fuel taxes, or from other fees pilots already pay.

Most commenters opposed to the fee claimed that it would be a financial burden on pilots in an already stressful economic climate. Many claimed the fee would decrease the number of people who would become pilots, and might force many current pilots to quit. Others said the fee should be rejected because it was just a way for the FAA to make money. One commenter believed the FAA is prohibited from enacting a user fee by a restriction placed in the FAA appropriations bill [14] that prohibits the FAA from promulgating ''new aviation user fees not specifically authorized by law.'' Two others requested that the FAA make provisions for low-income pilots.

The FAA withdraws the proposal to charge a fee for certificate issuance. The FAA notes, however, that section 122 of Public Law 112–95 requires the FAA to charge a fee to recover the costs of certain airman certification and aircraft registration services. The FAA has initiated a rulemaking (RIN 2120–AK37) to implement that requirement and will publish an NPRM in the future.

F. Implementation Process

The FAA proposed a ''trigger-based'' and phased implementation approach for issuing pilot certificates with photo. The ''trigger-based'' approach would have required any pilot interacting with the FAA during the implementation period to apply for a pilot certificate with photo. Such interactions would have included obtaining or renewing flight instructor certificates, applying for a new pilot certificate or rating, applying for a student pilot certificate, or changing vital information (such as name, citizenship, date of birth or gender). The phased approach would have applied to pilots who do not have a triggering event during the implementation period. The phased approach would have consisted of different compliance dates for different categories of pilots. All pilots, whether affected by the ''trigger-based'' or phased approach, would have been required to have a pilot certificate with a photo no later than 5 years after the effective date of the final rule. These approaches were designed to balance the FAA's ability to receive and timely process applications for the certificates while maintaining the existing range of Agency services.

[14] Public Law 111–117, 123 Stat. 3040 (Dec. 16, 2009).

Of the 17 commenters that specifically addressed the proposed ''trigger'' and phased implementation process, 8 stated the proposal was acceptable as written. They agreed that staggering the implementation dates for different certificate holders would reduce the burden on the FAA and may improve application processing times. They also contended that requiring an upgrade to a photo certificate at a ''triggering'' event, such as adding a rating, would prevent pilots from waiting until the last minute to apply for their certificates with photo.

Three commenters suggested using a ''trigger-only'' approach for pilot applications. They stated that it would reduce the burden on pilots to allow them to continue flying with their current non-photo certificates until they met one of the ''triggering'' events. Otherwise, the pilot may have to make an initial trip to a FSDO to upgrade to the photo certificate, and then have to make an additional trip back to the FSDO not long afterwards in order to add a rating, resulting in an increased burden.

Three commenters suggested the FAA reduce the time pilots have to comply. They stated that because pilot certificates with a photo would increase safety and security, it would be better to have all pilots obtain the certificates as soon as possible. Three additional commenters, including NAFI, proposed having a single compliance date for all pilots. Two of these commenters, including NAFI, stated that a single compliance date would cause less confusion for pilots and would reduce the chances of a pilot accidentally failing to comply. The third commenter favored a single compliance date because staggered dates might give the impression of unequal treatment of one or more pilot communities.

As stated earlier, the FAA withdraws the requirement to obtain a pilot certificate with a photo.

G. Regulatory Evaluation

Four commenters, including AOPA, specifically mentioned the estimated total costs for airmen to comply with the proposal, as outlined in the Regulatory Evaluation. Each of the commenters disputed the accuracy of the cost figures and generally were opposed to expending scarce resources on the proposal given federal deficits and ongoing cost-cutting measures. One commenter stated that the high cost associated with the proposal was due to the FAA not considering more cost-effective and less onerous measures for accomplishing the same goal. All four commenters believed that the FAA

should not be pursuing regulations that add to federal spending while offering few, if any, safety and security benefits.

AOPA commented that the FAA's 20-year cost estimates may be grossly underestimated, and stated that the actual total present value costs to airmen would likely be more than the estimated $235.8 million outlined in the proposal. AOPA also believed that total overall implementation costs would exceed the estimated $380.1 million, but did not provide additional input as to how it derived these conclusions. AOPA was further concerned that the true costs to airmen were uncertain considering the proposal discussed the possibility that fee increases may be imposed via the Federal Aviation Reauthorization bill (H.R. 915), then pending before Congress. AOPA believed the proposal equated to a significant economic impact to airmen and the associated costs far outweighed any potential benefits.

As stated earlier, the FAA withdraws most proposals in the NPRM. The FAA has revised the regulatory evaluation consistent with the adopted changes to student pilot certification. Further, and as stated earlier, the fees authorized in section 122 of Public Law 112–95 are being addressed in a separate rulemaking.

H. Miscellaneous Comments

1. Redesigning Pilot Certificate

Twelve commenters suggested that if the FAA planned to add photos to pilot certificates, other changes should be made to the certificates at the same time. Most suggestions were offered to improve legibility, such as increasing the font size; reducing the visual clutter by removing some less critical information, such as the pilot's address; and removing the image of the Wright Brothers. Other commenters suggested making the different levels of certificates (*e.g.,* private pilot, commercial pilot, and ATP) easily distinguishable, either by using different background colors or different images.

Additionally, Transport Canada suggested the FAA replace the traditional pilot certificate with a certificate similar to the Canadian Aviation Document Booklet (ADB), to allow cross-sharing of data between Canada and the United States. The ADB resembles a passport and contains all of a pilot's licenses, permits, and medical certificates in one document. The licenses, permits, and medical certificates are issued through the mail as stick-on labels with security features. Security features include secure ink, bar codes, and complicated patterns designed to make forgery more difficult. As pilots add new ratings or licenses or update certificates, they add these labels to the ADB. The ADB also has a photo of the pilot. While no additional commenters specifically mentioned the ADB as a potential model, three commenters did suggest the FAA combine all certificates, including the medical certificate, into a single document to reduce the costs to pilots and to reduce the number of certificates a pilot must carry.

The FAA has determined that these suggestions are outside the scope of this rulemaking. Any changes to the pilot certificate would need to be addressed in a separate rulemaking. The FAA notes, however, that since publication of the NPRM, the FAA has increased the size of the font for the pilot's name, certificate level or type, and certificate number.

2. Proposed § 61.3—Requirements for Certificates, Ratings, and Authorizations

Two commenters believed the proposed language in § 61.3(a)(1)(v) was misleading. The proposed language stated that, ''A person may not serve as a required crewmember of a civil aircraft of the United States, unless that person: when operating an aircraft in a foreign country, has a pilot license issued by that country.'' The commenters noted that the language could be interpreted as requiring the pilot to have a license issued by the foreign country. That was not the FAA's intent. In a separate rulemaking (Certified Flight Instructor Flight Reviews; Recent Pilot in Command Experience; Airmen Online Services (RIN 2120–AK23) (78 FR 56822, September 16, 2013; confirmed at 78 FR 66261, November 5, 2013)), the FAA revised the language of § 61.3(a)(1)(v) to state that ''(v) When operating an aircraft within a foreign country, a pilot license issued by that country may be used.''

V. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule. The FAA suggests readers seeking greater detail read the full regulatory evaluation, a copy of which has been placed in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this final rule: (1) Has benefits that justify its costs, (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, (3) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) will not have a significant economic impact on a substantial number of small entities; (5) will not create unnecessary obstacles to the foreign commerce of the United States; and (6) will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified above. These analyses are summarized below.

Total Benefits and Costs of This Rule

This final rule responds to section 4012 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) by facilitating security vetting of all student pilot certificate applicants before the FAA issues a student pilot certificate. The FAA notes that following the direction of Congress provides a sufficient reasoned determination to justify the costs. These potential benefits are not quantifiable. The estimated cost of this final rule over 10 years is shown in the following table:

TOTAL AND PRESENT VALUE COSTS OF THE FINAL RULE
[2015–2024]

Affected group	Total cost		Present value			
	Lower	Upper	7 percent		3 percent	
			Lower	Upper	Lower	Upper
	(Millions, 2014 $)					
Student pilots	$7.1	$11.0	$5.0	$7.7	$6.1	$9.4
FAA	$9.8		$7.1		$8.5	
Authorized individuals	$0.07		$0.05		$0.06	
Total	$17.0	$20.9	$12.2	$14.9	$14.7	$18.0

Who is potentially affected by this Rule?

Student pilots who are applying for a student pilot certificate are potentially affected by this rule. In the year 2014, there were 120,546 active student pilots.[15] Of these 120,546 active student pilots, 49,959[16] (41.44 percent of the total) certificates were issued in 2014. Original student pilot certificates issued that year comprised 30.83 percent of the total for 2014, while the remaining 10.61 percent were replacement certificates. Since the total number of active student pilots is relatively stable over the years, the FAA assumes that an equal amount of students are leaving the program each year. The FAA estimates that these percentages will remain constant during the entire period of this analysis.

Cost Assumptions and Primary Sources of Information

- All costs are presented in 2014 dollars.
- Discount rates—a 7% base case with a 3% sensitivity analysis rate
- Period of analysis—2015 through 2024
- A range of $13 to $25.22 is used as the hourly rate of an airman's time as advised by Department of Transportation (DOT) guidance.
- $23.59 is the hourly rate for a CFI and ACR associated with a part 141 school.
- Numbers of student pilot certificates from the FAA U.S. Civil Airmen Statistics, 2014

[15] FAA U.S. Civil Airmen Statistics, 2014, Table 1, Estimated Active Airmen Certificates Held, *http://www.faa.gov/data_research/aviation_data_statistics/civil_airmen_statistics/.*

[16] FAA U.S. Civil Airmen Statistics, Table 16 and Table 17 minus 1,854 since 1,854 is accounted for in Table 16 (49,261 − 1,854) + 2,552 = 49,959 *http://www.faa.gov/data_research/aviation_data_statistics/civil_airmen_statistics/.*

Changes From the NPRM to the Final Rule

This action withdraws the proposal for pilot certificates to include a photo of the individual pilot. Additionally, this action withdraws the proposal to implement fees for pilot certificates.

Applicants must apply for a student pilot certificate through a FSDO, DPE, ACR associated with a part 141 pilot school, or CFI.

Newly issued student pilot certificates will not have an expiration date.

Comments on the NPRM recommended that FAA not remove the AME from the student pilot certificate application process because doing so will increase the financial burden on the student pilot by having him or her make an additional trip. The FAA has modified who may accept a student pilot application by withdrawing the KTCs and including CFIs as authorized individuals. This will reduce the burden on student pilot applicants since they already travel to CFIs for flight instruction.

These changes resulted in lower cost estimates than those published in the NPRM.

Benefits of This Rule

This final rule responds to section 4012 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) by facilitating security vetting of all student pilot certificate applicants before the FAA issues a student pilot certificate. As Congress understood the unquantifiable benefits of section 4012 exceed the costs as discussed next.

Costs of This Rule

The compliance costs have three distinct components and are estimated over a ten-year period. The first component is the student pilot applicants' direct and indirect costs valued from $7.1 to $11 million. The second component is the costs incurred by the FAA's Civil Aviation Registry to process and issue a student pilot certificate for $9.8 million. TSA will not incur any additional costs as they already vet student pilots. Under this rule, TSA will conduct the vetting prior to the issuance of an FAA student pilot certificate. The third component is for the mailing expenses incurred by the authorized individual to mail the applications to FAA's Civil Aviation Registry for about $70,000. Total costs of this final rule are estimated to be from $17 to $20.9 million over a ten-year period.

Alternatives Considered

The alternative represents a situation in which the FAA would only allow ACRs associated with part 141 pilot schools, DPEs, and FSDOs to act as authorized individuals for receiving student pilot certificate applications. The outcome would be that student pilot applicants who do not go to a part 141 pilot school for flight instruction would have to make an additional trip to a DPE or a FSDO to apply for a student pilot certificate. This would increase the travel costs to the student pilot applicants. The FAA estimated the cost of this alternative to be from $19 to $30.6 million ($13.5–$21.8 million using a 7 percent discount rate and $16.3–$26.3 million using a 3 percent discount rate.), which is more expensive than the final rule.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their

actions to assure that such proposals are given serious consideration.'' The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. Section 604 of the RFA requires agencies to prepare a final regulatory flexibility analysis (FRFA) describing the impact of final rules on small entities. Section 604(a) of the Act specifies the content of the FRFA.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. The FAA believes that this final rule will not have a significant economic impact on a substantial number of entities, because student pilots are not small entities. There were no comments regarding the economic impact on student pilots received in response to the NPRM. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that it will have only a domestic impact and therefore will not create unnecessary obstacles to the foreign commerce of the United States.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155.0 million in lieu of $100 million. This rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

This final rule will revise an existing information collection. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted these information collection amendments to OMB for its review. The Office of Management and Budget approved the amended information collection requirements under existing OMB Control Number 2120–0021.

Title: Certification: Pilots and Flight Instructors.

Abstract: 14 CFR part 61 prescribes certification standards for pilots, flight instructors, and ground instructors. The information collected is used to determine compliance with applicant eligibility, via FAA Form 8710–1.

Use of: The Airman certificate and/or Rating Application form and the required records, logbooks, and statements required by the federal regulations are submitted to Federal Aviation Administration (FAA) Flight Standards District Offices or its representatives to determine qualifications of the applicant for issuance of a pilot or instructor certificate, or rating or authorization.

Respondents (including number of): The FAA estimates, on average, there are 38,700 student pilots who will be required to provide information in accordance with the final rule annually. The respondents to this information requirement are student pilots regulated under part 61.

Frequency: The FAA estimates certificate holders will have a one-time information collection, and will then collect or report information occasionally thereafter.

Annual Burden Estimate: This final rule will result in a ten-year recordkeeping and reporting burden as follows:

Summary of Time and Costs

The FAA estimates 38,700 applications for new and replacement student pilot certificates will take 0.5 hours each to complete. The student airman certification program imposes a 19,350 hours reporting burden. Equation 1 below provides the basis for 19,350 hours.

(1) 38,700 new applications for original student pilot certificates × 0.5 hours = 19,350 hours

The estimated annual cost to respondents for the hour burdens resulting from the collection of information is $251,550. This cost is determined by estimating the time required for the applicants to complete and submit FAA Form 8710–1 applications. Even though the FAA is using the IACRA system, no significant change in time required to complete and submit this form will occur. Equation 2 below provides the basis for $251,550 in costs.

(2) 38,700 8710–1 Applications × 0.5 hours × $13 per hour [17] = *$251,550;*

The following table provides the total cost to respondents over ten years, and includes present and annualized values using a seven and three percent discount rate.

[17] The lower rate of $13.00 is based on the Revised Departmental Guidance on Valuation of Travel Time in Economic Analysis, Table 4: Recommended Hourly Values of Travel Time Savings for in-vehicle local travel. This range is used to estimate the value of personal time forgone by the student pilot to complete an application form and related tasks. Further, these values have been grown by 1% for every year past 2014 as advised in DOT Departmental Guidance. *https://www.dot.gov/sites/dot.gov/files/docs/USDOT%20VOT%20Guidance%202014.pdf. http://www.census.gov/hhes/www/income/data/historical/household/.*

QUANTIFIED COSTS FOR ISSUANCE OF FAA PLASTIC CERTIFICATES

Estimate	Nominal (millions)	PV at 7% (millions)	Annualized at 7% (millions)	PV at 3% (millions)	Annualized at 3% (millions)
Total	$1.975	$1.39	$0.198	$1.67	$0.195

F. Privacy Impact Assessment

The FAA conducted a privacy impact assessment (PIA) of this rule as required by section 522(a)(5) of division H of the FY 2005 Omnibus Appropriations Act, Public Law 108–447, 118 Stat. 3268 (Dec. 8, 2004). The assessment considers any impacts of the final rule on the privacy of information in an identifiable form and related matters. The final rule would impact the handling of personally identifiable information (PII). The FAA has evaluated the risks and effects the rulemaking might have on collecting, storing, and sharing PII and has evaluated protections and alternative information handling processes in developing the final rule in order to mitigate potential privacy risks. The risks to the student pilot population are the same as the risks for other individuals who are required to hold FAA-issued certificates. The PIA for the following system currently incorporates the student pilot population: AVS Registry, also known as the Registry Modernization System (RMS). This PIA is available for review in the docket for this rulemaking, as well as via *http://www.transportation.gov/individuals/privacy/privacy-impact-assessments.*

G. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

H. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f and involves no extraordinary circumstances.

VI. Executive Order Determinations

A. Executive Order 12866

See the ''Regulatory Evaluation'' discussion in the ''Regulatory Notices and Analyses'' section elsewhere in this preamble.

B. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

VII. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visit the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/* or

3. Access the Government Publishing Office's Web page at *http://www.fdsys.gov.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's 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.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT,** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 61

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements, Security measures.

14 CFR Part 183

Aircraft, Airmen, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 44729, 44903, 45102–45103, 45301–45302.

■ 2. Amend § 61.3 by revising paragraph (d)(2)(iv) to read as follows:

§ 61.3 Requirement for certificates, ratings, and authorizations.

* * * * *

(d) * * *

(2) * * *

(iv) Endorse a logbook for solo operating privileges.

* * * * *

■ 3. Amend § 61.19 by revising the section heading and paragraphs (a), (b), and (c) to read as follows:

§ 61.19 Duration of pilot and instructor certificates and privileges.

(a) *General.* (1) The holder of a certificate with an expiration date may not, after that date, exercise the privileges of that certificate.

(2) Except for a certificate issued with an expiration date, a pilot certificate is valid unless it is surrendered, suspended, or revoked.

(b) *Paper student pilot certificate.* A student pilot certificate issued under this part prior to April 1, 2016 expires:

(1) For student pilots who have not reached their 40th birthday, 60 calendar months after the month of the date of examination shown on the medical certificate.

(2) For student pilots who have reached their 40th birthday, 24 calendar months after the month of the date of examination shown on the medical certificate.

(3) For student pilots seeking a glider rating, balloon rating, or a sport pilot certificate, 60 calendar months after the month of the date issued, regardless of the person's age.

(c) *Pilot certificates.* (1) A pilot certificate (including a student pilot certificate issued after April 1, 2016 issued under this part is issued without a specific expiration date.

(2) The holder of a pilot certificate issued on the basis of a foreign pilot license may exercise the privileges of that certificate only while that person's foreign pilot license is effective.

* * * * *

■ 4. Revise § 61.85 to read as follows:

§ 61.85 Application.

An applicant for a student pilot certificate:

(a) Must make that application in a form acceptable to the Administrator; and

(b) Must submit the application to a Flight Standards District Office, a designated pilot examiner, an airman certification representative associated with a pilot school, a flight instructor, or other person authorized by the Administrator.

■ 5. Amend § 61.87 by revising paragraphs (n) and (p)(3), removing paragraph (p)(4), redesignating paragraph (p)(5) as (p)(4), and revising newly redesignated (p)(4) to read as follows:

§ 61.87 Solo requirements for student pilots.

* * * * *

(n) *Limitations on student pilots operating an aircraft in solo flight.* A student pilot may not operate an aircraft in solo flight unless that student pilot has received an endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor who gave the training within the 90 days preceding the date of the flight.

* * * * *

(p) * * *

(3) Determined the student pilot is proficient in the make and model of aircraft to be flown; and

(4) Endorsed the student pilot's logbook for the specific make and model aircraft to be flown, and that endorsement remains current for solo flight privileges, provided an authorized instructor updates the student's logbook every 90 days thereafter.

■ 6. Amend § 61.93 by revising paragraphs (c)(1) and (c)(2) and adding paragraph (c)(3) to read as follows:

§ 61.93 Solo cross-country flight requirements.

* * * * *

(c) * * *

(1) A student pilot must have a solo cross-country endorsement from the authorized instructor who conducted the training that is placed in that person's logbook for the specific category of aircraft to be flown.

(2) A student pilot must have a solo cross-country endorsement from an authorized instructor that is placed in that person's logbook for the specific make and model of aircraft to be flown.

(3) For each cross-country flight, the authorized instructor who reviews the cross-country planning must make an endorsement in the person's logbook after reviewing that person's cross-country planning, as specified in paragraph (d) of this section. The endorsement must—

(i) Specify the make and model of aircraft to be flown;

(ii) State that the student's preflight planning and preparation is correct and that the student is prepared to make the flight safely under the known conditions; and

(iii) State that any limitations required by the student's authorized instructor are met.

* * * * *

■ 7. Amend § 61.133 by revising paragraphs (a)(2)(i)(C) and (a)(2)(ii)(C) to read as follows:

§ 61.133 Commercial pilot privileges and limitations.

(a) * * *

(2) * * *

(i) * * *

(C) Endorse a pilot's logbook for solo operating privileges in an airship;

* * *

(ii) * * *

(C) Endorse a pilot's logbook for solo operating privileges in a balloon; and

* * * * *

■ 8. Amend § 61.189 by revising paragraph (b)(1) to read as follows:

§ 61.189 Flight instructor records.

* * * * *

(b) * * *

(1) The name of each person whose logbook that instructor has endorsed for solo flight privileges, and the date of the endorsement; and

* * * * *

■ 9. Revise § 61.193 to read as follows:

§ 61.193 Flight instructor privileges.

(a) A person who holds a flight instructor certificate is authorized within the limitations of that person's flight instructor certificate and ratings to train and issue endorsements that are required for:

(1) A student pilot certificate;

(2) A pilot certificate;

(3) A flight instructor certificate;

(4) A ground instructor certificate;

(5) An aircraft rating;

(6) An instrument rating;

(7) A flight review, operating privilege, or recency of experience requirement of this part;

(8) A practical test; and

(9) A knowledge test.

(b) A person who holds a flight instructor certificate is authorized, in a form and manner acceptable to the Administrator, to:

(1) Accept an application for a student pilot certificate;

(2) Verify the identity of the applicant; and

(3) Verify the applicant meets the eligibility requirements in § 61.83.

■ 10. Amend § 61.195 by revising paragraphs (d)(1) introductory text and (d)(2) to read as follows:

§ 61.195 Flight instructor limitations and qualifications.

* * * * *

(d) * * *

(1) Student pilot's logbook for solo flight privileges, unless that flight instructor has—

* * *

(2) Student pilot's logbook for a solo cross-country flight, unless that flight instructor has determined the student's flight preparation, planning, equipment, and proposed procedures are adequate for the proposed flight under the existing conditions and within any limitations listed in the logbook that the instructor considers necessary for the safety of the flight;

* * * * *

■ 11. Revise § 61.413 to read as follows:

§ 61.413 What are the privileges of my flight instructor certificate with a sport pilot rating?

(a) If you hold a flight instructor certificate with a sport pilot rating, you are authorized, within the limits of your certificate and rating, to provide training and endorsements that are required for, and relate to—

(1) A student pilot seeking a sport pilot certificate;

(2) A sport pilot certificate;

(3) A flight instructor certificate with a sport pilot rating;

(4) A powered parachute or weight-shift-control aircraft rating;

(5) Sport pilot privileges;

(6) A flight review or operating privilege for a sport pilot;

(7) A practical test for a sport pilot certificate, a private pilot certificate with a powered parachute or weight-shift-control aircraft rating or a flight instructor certificate with a sport pilot rating;

(8) A knowledge test for a sport pilot certificate, a private pilot certificate with a powered parachute or weight-shift-control aircraft rating or a flight instructor certificate with a sport pilot rating; and

(9) A proficiency check for an additional category or class privilege for a sport pilot certificate or a flight instructor certificate with a sport pilot rating.

(b) A person who holds a flight instructor certificate with a sport pilot rating is authorized, in a form and manner acceptable to the Administrator, to:

(1) Accept an application for a student pilot certificate;

(2) Verify the identity of the applicant; and

(3) Verify the applicant meets the eligibility requirements in § 61.83.

■ 12. Amend § 61.415 by revising paragraphs (d)(1) introductory text, (d)(2), and (d)(3) introductory text to read as follows:

§ 61.415 What are the limits of a flight instructor certificate with a sport pilot rating?

* * * * *

(d) * * *

(1) Student pilot's logbook for solo flight privileges, unless you have—

* * *

(2) Student pilot's logbook for a solo cross-country flight, unless you have determined the student's flight preparation, planning, equipment, and proposed procedures are adequate for the proposed flight under the existing conditions and within any limitations listed in the logbook that you consider necessary for the safety of the flight.

(3) Student pilot's logbook for solo flight in Class B, C, and D airspace areas, at an airport within Class B, C, or D airspace and to from, through or on an airport having an operational control tower, unless you have—

* * * * *

■ 13. Amend § 61.423 by revising paragraph (a)(2)(i) to read as follows:

§ 61.423 What are the recordkeeping requirements for a flight instructor with a sport pilot rating?

(a) * * *

(2) * * *

(i) Each person whose logbook you have endorsed for solo flight privileges.

* * * * *

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

■ 14. The authority citation for part 183 is revised to read as follows:

Authority: 31 U.S.C. 9701; 49 U.S.C. 106(f), 106(g), 40113, 44702, 45303.

■ 15. Amend § 183.21 by revising paragraph (c) and removing and reserving paragraph (d) to read as follows:

§ 183.21 Aviation Medical Examiners.

* * * * *

(c) Issue or deny medical certificates in accordance with part 67 of this chapter, subject to reconsideration by the Federal Air Surgeon or his or her authorized representatives within the FAA; and

(d) [Reserved.]

* * * * *

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 44703, and Section 4022 of Public Law. 108–458 on December 24, 2015.

Michael P. Huerta,

Administrator.

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF 40F; AG Order No. 3607–2016]

RIN 1140–AA41

Commerce in Firearms and Ammunition—Reporting Theft or Loss of Firearms in Transit (2007R–9P)

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) concerning the statutory reporting requirement for firearms that have been stolen or lost. The final rule specifies that when a Federal firearms licensee (FFL) discovers a firearm it shipped was stolen or lost in transit, the transferor/sender FFL must report the theft or loss to ATF and to the appropriate local authorities within 48 hours of discovery. The rule also reduces an FFL's reporting burden when a theft or loss involves a firearm registered under the National Firearms Act (NFA) and ensures consistent reporting to ATF's NFA Branch. In addition, the rule specifies that transferor/sender FFLs must reflect the theft or loss of a firearm as a disposition entry in their required records not later than 7 days following discovery of the theft or loss; moreover, if an FFL reported the theft or loss of a firearm and later discovers its whereabouts, the FFL must advise ATF that the firearm has been located and must re-enter the firearm into its required records as an acquisition or disposition entry as appropriate.

DATES: This rule is effective February 11, 2016.

FOR FURTHER INFORMATION CONTACT: Denise Brown, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York

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SUPPLEMENTARY INFORMATION:

I. Background

The Gun Control Act of 1968 (GCA), as amended by the Violent Crime Control and Law Enforcement Act of 1994, requires each licensed importer, licensed manufacturer, licensed dealer, or licensed collector of firearms to report the theft or loss of a firearm from the licensee's inventory or collection to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and to the appropriate local authorities within 48 hours after the theft or loss is discovered. *See* 18 U.S.C. 923(g)(6) (requiring licensees to report thefts or losses to the Attorney General and to the appropriate local authorities); 28 CFR 0.130(a) (delegating the Attorney General's functions and powers to the Director of ATF).

The regulation that implements section 923(g)(6) is 27 CFR 478.39a. This regulation provides that each Federal firearms licensee (FFL) must report the theft or loss of a firearm from the FFL's inventory (including any firearm which has been transferred from the FFL's inventory to a personal collection and held as a personal firearm for at least 1 year), or from the collection of a licensed collector, within 48 hours after the theft or loss is discovered. FFLs must report such thefts or losses by telephoning 1–888–930–9275 (nationwide ATF toll-free number) and by preparing a Federal Firearms Licensee Firearms Inventory Theft/Loss Report, ATF Form 3310.11 (Form 3310.11), in accordance with the instructions on the form. The FFL must also report the theft or loss of a firearm to the appropriate local authorities.

When there has been a theft or loss of a firearm registered under the National Firearms Act (NFA), 26 U.S.C. 5801 *et seq.,* such as a short-barreled rifle or short-barreled shotgun, silencer, machinegun, or destructive device, *see* 26 U.S.C. 5841, 5845, 27 CFR 479.141 imposes a separate and additional reporting requirement. Section 479.141 states that whenever any registered NFA firearm is stolen or lost, the person who has lost possession must, immediately upon discovery of such theft or loss, make a report to the Director of ATF showing the following: name and address of the person in whose name the firearm is registered; kind of firearm; serial number; model; caliber; manufacturer of the firearm; date and place of theft or loss; and complete statement of facts and circumstances surrounding such theft or loss. Accordingly, when an FFL loses possession of an NFA firearm, it has reporting obligations under both 27 CFR 479.141 and 27 CFR 478.39a.

Currently, an FFL reporting the theft or loss of a registered NFA firearm prepares and submits Form 3310.11 to ATF's National Tracing Center (NTC), the receiving office designated on the form, to meet the 27 CFR 478.39a requirements. In addition, the FFL must submit a separate notification to the Director of ATF to meet the requirements of 27 CFR 479.141. Because no form is directly associated with the separate notification to the Director, FFLs submit a letter to the NFA Branch of ATF, as directed in the ''Important Notice'' section of Form 3310.11. As a backup to this requirement, when NTC receives a completed Form 3310.11 involving the theft or loss of an NFA firearm, it currently forwards a copy of the completed form to the NFA Branch, as the completed form often contains more information than the letters FFLs submit to the NFA Branch. Form 3310.11 does not, however, ask for the name and address of the person in whose name the firearm is registered, which is required to be reported under 27 CFR 479.141. Therefore, the NFA Branch may not currently be receiving consistent and complete information regarding the theft or loss of a registered firearm.

The instructions on Form 3310.11 also provide that FFLs must reflect the theft or loss of a firearm as a disposition entry in the Record of Acquisition and Disposition (A&D Record) required by subpart H of 27 CFR part 478 (formerly 178). The disposition entry should indicate whether the incident is a theft or loss, the ATF-Issued Incident Number, and the Incident Number provided by the local law enforcement agency. The instructions further state that should any of the firearms be located, they should be re-entered into the A&D Record as an acquisition entry. In addition, the ''Important Notice'' section on Form 3310.11 provides that an FFL who reports a firearm as missing and later discover its whereabouts should advise ATF that the firearm has been located.

The text of the statutory reporting requirement, 18 U.S.C. 923(g)(6)—which obligates licensees to report the theft or loss of a firearm ''from the licensee's inventory''—does not clearly address the reporting of a firearm that has been stolen or lost in transit. That is, the statute does not expressly address whether such a firearm should be considered part of the inventory of the transferring/shipping FFL, a recipient FFL, or the common carrier transporting the firearm. Similarly, current regulations do not address reporting requirements arising from firearms stolen or lost in transit, including whether the firearms are considered stolen or lost from the inventory of the sending or receiving FFL. This gap in the regulations likely results in no one reporting the theft or loss of a firearm stolen or lost in transit—an anomalous result that the Department believes is contrary to congressional intent in mandating the reporting of thefts and losses generally. Clarifying this responsibility is thus important to the effective administration of the GCA and NFA. Congress delegated the authority to prescribe necessary rules and regulations to carry out the provisions of the GCA and NFA to the Attorney General, who has delegated to ATF the authority to investigate, administer, and enforce those laws. *See* 18 U.S.C. 926(a); 26 U.S.C. 7801(a)(2)(A)(i), 7805(a); 28 CFR 0.130(a).

II. Initial Notice of Proposed Rulemaking

On August 28, 2000, in ATF Notice No. 902, ATF published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) proposing several amendments to the firearms regulations. 65 FR 52054 (Aug. 28, 2000). Among those amendments, ATF proposed specifying that, when a firearm is stolen or lost in transit between licensees, for reporting purposes, the firearm is considered stolen or lost from the transferor's/sender's inventory. ATF noted that in Fiscal Year (FY) 1999, there were 1,271 crime gun traces in which an FFL claimed to have never received the firearm shipped to it and no one reported the theft or loss to ATF.[1] As proposed in 2000, a firearm stolen or lost in transit between licensees, for reporting purposes, would be considered stolen or lost from the transferor's/sender's inventory. Further, as proposed, the transferor/sender of the stolen or missing firearm would have been required to report to ATF and to the appropriate local authorities the theft or loss of the firearm within 48 hours after the transferor/sender discovered the theft or loss. In addition, to enable the transferor/sender of the stolen or lost firearm to obtain the knowledge necessary to comply with the theft or loss reporting requirements and fulfill the statutory responsibility of maintaining accurate records, ATF proposed that the transferor/sender be

[1] A crime gun is any firearm that is illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime or act of terrorism.

required to have or establish commercial business practices that confirm whether the transferee/buyer of the firearm ultimately received the firearm.

As a result of the comments received in response to various issues addressed in the document, the Department decided to study the issues further, and it subsequently withdrew these proposals. *See* 69 FR 37757 (June 28, 2004).

III. 2014 Notice of Proposed Rulemaking

On August 12, 2014, ATF published in the **Federal Register** another NPRM proposing to amend the regulations in subpart C of part 478, section 478.39a (ATF Notice No. 40P) (''2014 NPRM'' or ''proposed rule''). *See* 79 FR 47033. The proposed rule was intended to clarify that, when an FFL discovers a firearm that it shipped was stolen or lost in transit, that transferor/sender FFL would be the one responsible for reporting the theft or loss to ATF and to the appropriate local authorities.

The NPRM specified a time period within which to reflect the theft or loss of a firearm as a disposition entry—*i.e.,* not later than 7 days following the discovery of the theft or loss—and required, rather than recommended, that the disposition entry in the FFL's A&D Record include specified information. Under the regulations as proposed, if an FFL reported a firearm stolen or lost and later discovered its whereabouts, the FFL would be required to advise ATF that the firearm has been located and re-enter the firearm into the required records as an acquisition or disposition entry as appropriate. The proposed rule was intended to reduce an FFL's reporting burden when a theft or loss involves a firearm registered under the NFA by having the FFL submit one Form 3310.11 to ATF to satisfy the requirements of both 27 CFR 478.39a and 27 CFR 479.141.

The proposed rule retained the same general approach for transferor/sender FFLs to report thefts or losses in transit as the 2000 NPRM, although there are some important differences. Unlike the 2000 NPRM, the 2014 NPRM did not propose to require FFLs to establish commercial business practices that would enable the FFL to verify that the transferee/buyer of a shipped firearm actually received the firearm. The 2014 NPRM merely solicited comments on whether a transferor/sender FFL should be required to obtain and retain confirmation of receipt. In addition, unlike the 2000 NPRM, the 2014 NPRM proposed to reduce the reporting burden with respect to NFA firearms. The 2014 NPRM also clarified that firearms lost or stolen in transit between FFLs and non-FFLs (not just between FFLs) would be included in the transactions that must be reported by a transferor/sender FFL. Finally, the proposed rule would require the A&D Records to be updated within 7 days of discovery of the theft or loss.

As stated in the 2014 NPRM, theft or loss of firearms in transit continues to be a problem. In its 2000 NPRM, ATF stated that in FY 1999, there were 1,271 crime gun traces in which an FFL claimed to have never received the firearm shipped to it and no one reported the theft or loss to ATF. More recent data from NTC shows that from FY 2010 through FY 2014, there was an average of 1,333 crime gun traces per year where the firearm was traced back to an FFL that claimed it never received the firearm allegedly shipped to it, but no theft or loss was reported to ATF. ATF recognizes that this figure may include some firearms lost or stolen at the licensed premises while not in transit (*i.e.,* prior to or after shipment). However, because there are numerous firearms lost or stolen that have not been traced, the full count of firearms lost or stolen in transit may be significantly higher. The omission in the regulations regarding reporting the theft or loss of a firearm in transit adversely affects ATF's and local law enforcement's investigative and tracing capabilities. For those reasons, the Department proposed amending the regulations to specify who is responsible for reporting the theft or loss of a firearm in transit.

As previously noted, the statutory provision requiring licensees to report lost or stolen firearms, 18 U.S.C. 923(g)(6), does not clearly address situations in which a firearm is lost or stolen in transit. The Department proposed to interpret section 923(g)(6)'s requirement that a licensee ''report the theft or loss of a firearm from the licensee's inventory'' to include a responsibility to report a theft or loss that occurs once the licensee has placed a firearm in shipment. Accordingly, the proposed rule specified that, when a firearm is stolen or lost in transit on a common or contract carrier,[2] for reporting purposes the firearm is considered stolen or lost from the transferor's/sender's inventory. The proposed rule would apply to transfers from a licensee to a nonlicensee, including interstate shipments for firearms repair and replacement, qualified interstate shipments to law enforcement officers for official duty, and intrastate transactions under 18 U.S.C. 922(c), 27 CFR 478.96, and ATF Procedure 2013–2. In all such transactions, the transferor/sender would be the only FFL involved in the transaction, and it would be reasonable for that FFL to assume responsibility to make a report to ATF if the shipment is lost or stolen in transit before the transferee acquires possession. The proposed rule would not require transferor/sender FFLs to establish commercial business practices to affirmatively verify or retain confirmation of receipt; instead, the rule would allow a transferor/sender FFL to rely on notification by the transferee/buyer, the common or contract carrier, or any other person that the shipment was not received. Only upon receiving such notification would the FFL be required to report the theft or loss and change its records accordingly.

The 2014 proposed rule retained most of the current procedures for licensees reporting the theft or loss of firearms subject to the GCA, in accordance with the instructions on Form 3310.11. For example, Instruction 7 on Form 3310.11 provides that FFLs must reflect the theft or loss of a firearm as a disposition entry in the A&D Record that is required by subpart H of part 478 (formerly 178). The form also provides that the disposition entry should indicate whether the incident is a theft or loss, include the ATF-Issued Incident Number, and include the Incident Number provided by the local law enforcement agency. The proposed rule set out these procedures in a new paragraph (e) of 27 CFR 478.39a with two modifications: (1) The rule would prescribe a time period to reflect the theft or loss of a firearm as a disposition entry (*i.e.,* not later than 7 days following discovery of the theft or loss); and (2) it would require, rather than recommend, that the disposition entry include specified information. The proposed 7-day time period for reporting would be consistent with the firearms receipt and disposition reporting requirement for licensed dealers in 27 CFR 478.125(e), which requires the ''sale or other disposition of a firearm'' to be recorded ''not later than 7 days following the date of such transaction.'' The Department considers a theft or loss to be a disposition that must be reported within this time period.

In addition, the ''Important Notice'' section of Form 3310.11 provides that licensees who report firearms as missing and later discover their whereabouts should advise ATF that the firearms

[2] For purposes of this rule, the Department considers the U.S. Postal Service a ''common or contract carrier.''

have been located, and Instruction 8 provides that licensees should re-enter these located firearms into the A&D Record as an acquisition entry. The proposed rule combined and set out these procedures in a new paragraph (f) of 27 CFR 478.39a with three modifications. The proposed rule would: (1) Change the phrase ''should advise ATF'' to ''shall advise the [ATF] Director''; (2) change the phrase ''should re-enter'' to ''shall re-enter''; and (3) specify that the re-entry is to be recorded as an acquisition or disposition entry as appropriate. Making mandatory both the advising of ATF and the re-entry of the located firearm into the A&D Record would help to improve the accuracy of NTC data, which would greatly assist law enforcement in solving violent crimes and enhancing public safety.

The proposed rule would also reduce a licensee's reporting burden to ATF for the theft or loss of a registered NFA firearm by allowing submission of one Form 3310.11 to meet the requirements of 27 CFR 478.39a and 27 CFR 479.141. Currently, if a licensee's registered NFA firearm is lost or stolen, the licensee prepares and submits Form 3310.11 to ATF's NTC to comply with the 27 CFR 478.39a requirements, which specify that Form 3310.11 be used. The licensee also provides to ATF's NFA Branch a separate notification—typically in the form of a letter—to comply with 27 CFR 479.141. The proposed rule would revise 27 CFR 478.39a to stipulate that a licensee's submission of a completed Form 3310.11 to ATF for the theft or loss of a registered NFA firearm satisfies the notification requirements under both 27 CFR 478.39a and 27 CFR 479.141. This would reduce the FFLs' reporting burden and help to ensure that information about lost or stolen registered NFA firearms is consistently reported to ATF.

The comment period for Notice No. 40P closed on November 10, 2014.

IV. Analysis of Comments and Department Response

All public comments were considered in preparing this final rule. In response to Notice 40P, ATF received 14 comments. Comments were submitted by individuals, corporations and other legal entities, FFLs, and trade associations.

Five commenters supported the proposed rule. Commenters who agreed with the proposed rule did so primarily because they believed that the implementation of the rule would help stop the unreported theft or loss of firearms in transit. One commenter agreed with the proposed rule in its entirety because it would allow police to quickly investigate and possibly return missing firearms and simplify FFLs' reporting of stolen or lost firearms registered under the NFA, thus making that process more efficient for both FFLs and ATF.

Nine commenters disagreed with the proposed rule. Commenters who opposed the proposed rule did so for a variety of reasons, with the most common objection relating to ATF's lack of authority to request theft or loss reports of firearms once the firearms have allegedly been transferred from the transferor/sender FFL's inventory. One commenter opposed the proposed rule on ''philosophical[]'' grounds, claiming that there is over-regulation of commerce by the United States in general, and concluding that ''any regulation of transactions involving small arms are uniquely inappropriate a subject for regulation by the national government because of the special provisions of the second amendment to the Constitution.''

Another commenter opposed the proposed rule because he believed that the rule's imposition of the reporting obligation on the transferring/sending FFL was at odds with ATF's alleged ''statement to the press'' that the rule ''applies to'' carriers. He further stated that ''[a]s written the regulation is ripe for abuse, should be rewritten so that the ATF can understand its own intent.'' Another commenter noted that ''[c]urrent ATF rules are clear regarding the manufacturer's responsibility to report lost or stolen firearms that are under their control. The proposed new rule imposes an unrealistic burden on manufacturers to report same after the firearm has left its premise and has exited its disposition log.'' One commenter stated that the ''issue of firearms lost in transit does not need solving because it is not a problem,'' and that ATF is ''trying to solve a problem that does not exist.'' The following sections address the specific comments on the proposed rule.

A. Legal Authority

Comments Received

Regarding the comment that the transaction of small arms is not an appropriate subject for regulation by the national government because of the Second Amendment, the Department does not believe anything in this rule is inconsistent with that constitutional amendment. Congress has long regulated the transportation and shipment of firearms,[3] and courts have not interpreted the Second Amendment as limiting the authority of Congress to enact such laws.[4]

Some commenters asserted that ATF lacks the legal authority to impose the proposed rule because, in 18 U.S.C. 923(g)(6), Congress only mandated reporting of lost or stolen firearms when those firearms are currently in the ''inventory or collection'' of the FFL. These commenters argued that ATF impermissibly exceeded its statutory bounds in interpreting the requirement that licensees report ''the theft or loss of a firearm from the licensee's inventory'' to require licensees to report the theft or loss of firearms after the firearms are no longer in the transferring FFL's possession or on their premises; such an interpretation, the commenters argued, is at odds with the plain meaning of the word ''inventory.'' Citing *Black's Law Dictionary,* two Merriam-Webster dictionaries, and the Internal Revenue Code, the commenters defined the term ''inventory'' to mean that the goods in question must physically be held ''on hand'' or ''in stock.'' The commenters thus argued, in essence, that the reporting requirement in section 923(g)(6) only applies to firearms stolen or lost from the licensee personally or from the licensee's business premises. Another commenter stated that ATF lacks regulatory authority to impose best business practices on FFLs to monitor shipments of firearms once the firearms depart the FFLs' facilities.

Department Response

Congress delegated the authority to prescribe rules and regulations to carry out the provisions of the GCA to the Attorney General, who has delegated to ATF the authority to investigate, administer, and enforce those laws. *See* 28 U.S.C. 599A; 18 U.S.C. 926(a); 28 CFR 0.130(a). The Attorney General (and, derivatively, ATF) also has authority, pursuant to 18 U.S.C. 923(g)(1)(A) and 923(g)(2), to promulgate regulations on how

[3] Long before enactment of the Gun Control Act of 1968, Congress imposed limitations on the shipment of firearms. *See, e.g.,* Nonmailable Firearms Act of 1927, Public Law 69–583, 44 Stat. 1059 (codified at 18 U.S.C. 1715) (restricting mailing and delivery of concealable firearms); Federal Firearms Act of 1938, Public Law 75–785, 52 Stat. 1250 (codified at 15 U.S.C. 901 *et seq.*) (repealed 1968) (restricting interstate shipment of firearms).

[4] *See District of Columbia* v. *Heller,* 554 U.S. 570, 626–27 (2008) (''[N]othing in [the Supreme Court's] opinion [interpreting the Second Amendment] should be taken to cast doubt on . . . laws imposing conditions and qualifications on the commercial sale of arms.''); *United States* v. *Decastro,* 682 F.3d 160, 168–69 (2d Cir. 2012) (statute prohibiting transporting into one's state of residence firearms acquired outside the state did not infringe the right to keep and bear arms under the Second Amendment).

licensees must maintain records of shipment, receipt, sale, or other disposition of firearms. It is unlawful under 18 U.S.C. 922(m) for licensees to fail to make an appropriate entry in a required record. Additionally, pursuant to 28 U.S.C. 599A, 18 U.S.C. 926(a), and 28 CFR 0.130(a), ATF has the authority and responsibility to interpret and enforce the GCA provisions prohibiting the theft of firearms. *See* 18 U.S.C. 922(i) (transporting or shipping stolen firearms in interstate or foreign commerce), 922(j) (receiving, possessing, concealing, storing, bartering, selling, disposing, or pledging or accepting as security for a loan any stolen firearm which has moved in, is moving in, or will move in interstate or foreign commerce), 922(u) (stealing a firearm that has been shipped or transported in interstate or foreign commerce from the person or premises of an FFL), 924(*l*) (stealing a firearm which is moving in or has moved in interstate commerce), 924(m) (stealing a firearm from a licensee).

The present rulemaking reflects ATF's interpretation of the theft or loss reporting requirement set forth in the GCA, 18 U.S.C. 923(g)(6). Congress did not define the term ''inventory'' or the phrase ''from the licensee's inventory'' in 18 U.S.C. 923(g)(6) or elsewhere in the GCA. Nor did Congress expressly limit the licensee's reporting obligation to firearms that are lost or stolen from the licensee's premises: unlike 18 U.S.C. 922(u), for instance, which makes it unlawful to steal ''*from the person or the premises of* a person who is licensed . . . any firearm in the licensee's business inventory'' (emphasis added), section 923(g)(6)'s reporting requirement is not limited to firearms taken ''from the person or premises'' of the licensee.

Commenters argued that, in the absence of a statutory definition of the word ''inventory,'' the Department must use the word's plain or ordinary meaning, and they offered various definitions culled from a few sources in an effort to elucidate what that meaning is. But rather than revealing a clear commonality, the definitions in the commenters' cited sources instead show that the word ''inventory'' can take on slightly different meanings suited to the particular contexts in which it used.[5] In the context of Federal firearms regulation, a licensee's ''inventory'' can, and does, include firearms that are not either ''on hand'' or owned by the licensee. For instance, FFLs may transport some or all of their firearms away from a particular licensed premises—to a warehouse where the firearms will be kept ''solely for storage,'' for example. *See* 27 CFR 478.50(a). Or an FFL may have on hand firearms that the FFL does not own, but which have been pawned, consigned, or stored with the FFL by the firearms' owners. *See* 18 U.S.C. 921(a)(11)(C), 921(a)(12).[6] Similarly, licensed dealers may have on hand firearms that they are repairing or configuring for the firearms' owners. *See* 18 U.S.C. 921(a)(11)(B).

Elsewhere in the law, physical possession is often neither necessary nor sufficient for something to be counted as inventory. The section of the Uniform Commercial Code (UCC) governing secured transactions, for example, defines ''inventory'' to include not only goods ''held by a person,'' but also goods ''furnished by a person,'' and ''leased by a person,'' irrespective of who has them. U.C.C. 9–102(a)(48); *see also Matter of Watertown Tractor & Equip. Co.,* 289 NW.2d 288, 293–94 (Wis. 1980) (holding that equipment constitutes a lessor's ''inventory'' when in the possession of a lessee). The Supreme Court has even held that a farmer's corn futures are considered the farmer's ''inventory'' for tax purposes, even though they are considered capital assets in the hands of a holding company. *See Arkansas Best Corp.* v. *Comm'r,* 485 U.S. 212, 219–22 (1988).

Given its many meanings, the Department is of the view that the word ''inventory'' is ambiguous, and that Congress did not specifically intend—by use of the word—to deprive the Department of the authority to require FFLs to report the loss or theft of firearms in transit. That view is supported by multiple dictionaries that define inventory broadly to encompass any goods and articles that might appropriately be listed on an inventory. *See, e.g.,* 5 *The Oxford English Dictionary* 453–54 (1978) (defining inventory broadly as, *inter alia,* ''[t]he lot or stock of goods, etc., which are or may be made the subject of an inventory''); *Funk & Wagnalls New Standard Dictionary of the English Language* 1289 (1946) (defining inventory broadly as, *inter alia,* ''[a]rticles which constitute or are to constitute the inventory''). In light of the range of items that can appear on an inventory—for example, ''the goods and chattels, rights and credits, and in some cases, the land and tenements of a person or persons,'' 2 *Bouvier's Law Dictionary and Concise Encyclopedia* 1681 (3d rev. 1914)—the word ''inventory'' can be open-ended.

In the context of section 923(g)(6) specifically, the Department believes that the obligation to report lost or stolen ''firearm[s] from the licensee's inventory'' is best understood to encompass firearms that are not yet in the physical possession of a transferee that the transferor is best positioned to monitor and control. The Department believes that this interpretation of the word ''inventory'' is consistent with the flexible, context-specific character of the term as used elsewhere in the law.

Further, it is more logical—and more consistent with the GCA scheme—to consider an in-transit firearm as part of the shipping FFL's inventory and thereby place the reporting obligation on the transferor/sender licensee rather than the firearm's intended recipient. The GCA scheme relies on firearms dealers to control commerce in firearms. *See Huddleston* v. *United States,* 415 U.S. 814, 824 (1974) (''The principal agent of federal enforcement [of laws regulating interstate commerce in firearms] is the dealer.''). The transferors/senders covered by this rule will be licensees who are subject to the reporting requirement under section 923(g)(6)—but not every intended

[5] *See Black's Law Dictionary* 901–02 (9th ed. 2009) (first definition: ''[a] detailed list of assets; esp., an executor's or administrator's detailed list of the probate-estate assets''; second definition, as used in accounting: ''[t]he portion of a financial statement reflecting the value of a business's raw materials, works-in-progress, and finished products''; third definition: ''[r]aw materials or goods in stock''; fourth definition, as used in bankruptcy: ''[p]ersonal property leased or furnished, held for sale or lease, or to be furnished under a contract for service; raw materials, work in process, or materials used or consumed in a business, including farm products such as crops or livestock''); *Merriam-Webster Online Dictionary* (definition 1a: ''an itemized list of current assets as (1): a catalog of the property of an individual or estate [or] (2): a list of goods on hand''; definition 1b: ''a survey of natural resources''; definition 3: ''the quantity of goods or materials on hand''), *http://www.merriam-webster.com/dictionary/inventory;* 26 U.S.C. 865(i)(1), 1221(a)(1) (describing ''inventory property'' as ''stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business'').

[6] *See also Firearms Transaction Record,* ATF Rul. 76–15 (July1976) (recordkeeping requirements for pawned firearms); *Engaging in the Business of Dealing in Firearms (Auctioneers),* ATF Rul. 96–2 (Sept. 1996) (auctioneers must obtain a license as a dealer to take possession of firearms consigned for auction); ATF, *Federal Firearms Licensee Quick Reference and Best Practices Guide,* ATF Pub. No. 5300.15, at 8 (rev. Aug. 2010) (all firearms acquisitions must be documented in the A&D book, including pawned and consignment firearms), *https://www.atf.gov/file/58676/download; Return of Firearms Received for Appraisal, FFL Newsletter* (ATF, Washington, DC), Apr. 2015, at 4 (licensees must record firearms received for appraisal as a transaction on ATF Form 4473), *https://www.atf.gov/file/11691/download; Shot Show Q & A, FFL Newsletter* (ATF, Washington, DC), Jan. 2007, at 7, Q9 (licensees must treat firearms received for storage as acquisitions), *https://www.atf.gov/file/56436/download.*

recipient in firearms transactions will necessarily be a licensee. Thus, placing the reporting obligation on the transferor/sender licensee ensures that, for every firearm transaction, there will be an FFL responsible for reporting any discovered thefts or losses that occur along the way. The Department believes that this will ensure more consistent reporting of stolen or lost firearms, thereby fulfilling the GCA's purpose of ''strengthen[ing] Federal regulation of interstate firearms traffic,'' H.R. Rep. No. 90–1577, at 7 (1968), and furthering the aim of the Violent Crime Control and Law Enforcement Act of 1994 to ''enhance public safety,'' H.R. Rep. No. 103–711, at 1 (1994) (Conf. Rep.).

In reaching its interpretation of 923(g)(6)'s reporting mandate, the Department considered whether the ''inventory'' determination should be made in accordance with the variable approach of the UCC regarding the transfer of title for risk of loss purposes. The Department determined that neither the text nor the purpose of the GCA counseled in favor of adopting the UCC approach to determining in whose ''inventory'' a firearm belongs. As explained in the proposed rule, the UCC approach focuses on the ownership of the goods being shipped for the purposes of allocating the risk of loss, but the primary focus of the GCA and its implementing regulations is, instead, the tracking of the acquisition and disposition of firearms. Accordingly—and as the Department will explain in further detail below—the Department is of the view that the statutory obligation on firearms licensees to report a theft or loss should not turn on technicalities of commercial law regarding whether the seller or buyer has title to, or bears the risk of loss of, the shipped firearms.

Instead, under the final rule, the theft or loss reporting requirement will always remain with the transferor/sender FFL, who will know how and when firearms sent to the transferee were shipped. As the Department reasoned in the 2014 NPRM, the transferee will have an incentive to notify the transferor about any discrepancies in the shipment because the transferee would not want to pay for an item the transferee did not actually receive. Upon being contacted by the transferee about a shipment discrepancy, the transferor FFL will be in the best position to verify the theft or loss by reviewing its transaction records and the shipping information from the carrier. The transferor could also be in a position to discover that the discrepancy was instead due to recordkeeping or other human error. Indeed, regardless of whether the transferee or transferor arranges the shipment, the transferor will know how and when the firearms were shipped. Moreover, if a firearm is stolen or lost in transit, the notation in the transferor's/sender's acquisition and disposition book indicating the firearm was disposed of to a particular transferee/buyer would be inaccurate.

The Department's interpretation that in-transit firearms remain in the transferring/sending FFL's ''inventory'' for purposes of section 923(g)(6) is further supported by the fact that an FFL's delivery of firearms to a common or contract carrier for transport does not result in a ''disposition'' or ''transfer'' unless and until the firearms are received by the transferee. The Department does not believe that the GCA scheme, which sets forth procedures for conveying firearms by carriers,[7] supports the conclusion that delivering firearms to the carrier for transport is a ''transfer'' or ''disposition'' to that carrier. Under the GCA and current regulations, the carrier is not said to maintain an ''inventory'' of firearms, and the disposition records of the transferring FFL do not reflect the carrier as a person to whom firearms are disposed. If an FFL's submission of firearms to a carrier were a ''disposition'' or ''transfer,'' such an interpretation would lead to results that Congress very likely did not intend. Specifically, the transferring FFL would be required to treat carriers like any other unlicensed person by: (1) Having an employee of the carrier complete ATF Form 4473 prior to receiving any firearms for shipment; [8] (2) checking identification and conducting background checks on the carrier's employees; [9] (3) recording bound book entries as dispositions to the carrier, rather than to the actual transferees or purchasers of the firearms; [10] and (4) possibly completing multiple sales or other disposition reports when applicable.[11] Moreover, unless similar disposition requirements were also imposed on the carriers' subsequent transfer of the firearms to their purchasers, the firearms could potentially end up in the hands of criminals, and would not be traceable if later used in crimes.

Finally, the Department's interpreting the phrase ''firearm[s] from the licensee's inventory'' to encompass firearms that a licensee has placed in transit accords with the congressional intent behind the GCA more generally. The GCA is a comprehensive statutory scheme designed to closely track the acquisition and disposition of firearms to ensure that firearms do not fall into the hands of criminals, and so that the firearms can be traced if later found to have been used in crime. Accordingly, section 923(g)(6) mandates that ''[e]ach licensee shall report the theft or loss of a firearm from the licensee's inventory or collection.'' To be sure, Congress did not specifically address whether licensees must report the theft or loss of firearms in transit once the licensee ships the firearm to another recipient. Nor did Congress address how those firearms must be recorded in the transferor/sender FFL's acquisition and disposition records. But the text of 923(g)(6) does not foreclose the Department's interpretation of the term ''inventory.'' And the final rule reasonably answers the questions left unaddressed by Congress by interpreting the reporting requirement to include a firearm stolen or lost from the licensee's inventory while in transit with a carrier, and by providing guidance on how FFLs must update their records in such situations. Adopting a contrary interpretation of the statutory language to the effect that thefts or losses of firearms in transit need not be reported by *any* FFL, on the theory that firearms in transit should not be deemed to be part of the transferor/seller's inventory nor part of the intended recipient's inventory, would operate to defeat the statutory goal of reporting thefts and losses of firearms. Commenters who oppose the rule have offered no persuasive reason why Congress would have intended in-transit stolen or lost firearms to go unreported once a licensee discovers the theft or loss, and the Department sees none.

For all those reasons, the Department's determination that the statutory obligation to report ''the theft or loss of a firearm from the licensee's inventory'' in section 923(g)(6) encompasses an obligation to report the theft or loss of a firearm that the licensee has shipped amounts to a reasonable construction of the GCA.[12]

[7] *See* 18 U.S.C. 922(e) (requiring notice to the common or contract carrier of firearms being transported or shipped), 922(f) (prohibiting common or contract carriers from violating the GCA, and requiring them to obtain acknowledgment of receipt of packages containing firearms); 27 CFR 478.31 (same); Open Letter to All Common and Contract Carriers from John W. Magaw, Director, ATF (Jan. 1, 1994), *http://www.nibin.gov/press/releases/historical/010194-openletter-contract-carriers.html.*

[8] *See* 18 U.S.C. 922(b)(5), 923(g)(1)(A); 27 CFR 478.124(c).

[9] *See* 18 U.S.C. 922(t)(1); 27 CFR 478.102.

[10] *See* 18 U.S.C. 923(g)(1)(A); 27 CFR 478.122(d), 478.123(d), 478.125(e).

[11] *See* 18 U.S.C. 923(g)(3)(A); 27 CFR 478.126a.

[12] The Department acknowledges its previous statements that section 923(g)(6) does not address

With regard to the comment concerning ATF's authority to require ''best practices'' to monitor shipments of firearms once the shipments depart the FFL's facility, the final rule does not require FFLs to monitor their shipments. Again, FFLs will only be required to report thefts and losses once they discover a theft or loss.

B. Commercial Business Practices

Comments Received

One commenter argued that the proposed rule is inconsistent with established commercial business practices. Citing U.C.C. 2–319, the commenter asserted that ''firearms are almost universally shipped 'F.O.B. Factory,' '' indicating that once physical custody has passed at the place of shipment, so has legal title to the firearms and risk of loss.

Department Response

The Department disputes the commenter's factual assertion that firearms ''are almost universally shipped 'F.O.B. Factory.' '' The Department believes that transferor/sender FFLs generally select the means by which the firearms in their inventory are shipped and secure insurance from the carriers for the value of the firearms. While these costs may be passed along to buyers in the purchase contracts, the Department believes that in many, if not most, cases, the transferor/sender FFL is legally responsible for any losses incurred in transit. This is because many, if not most, firearm purchase contracts require delivery at a specified destination.[13] For this reason, if a firearm is lost or stolen in transit, the shipping FFL usually sends a replacement firearm.

Even if the commenter's factual assertion were proven correct, however, the Department would nonetheless adhere to the position it expressed in the proposed rule that the UCC should not be used to determine the responsibility for reporting thefts and losses of firearms in transit. Adopting the variable UCC approach for reporting firearms stolen or lost in transit would be problematic for FFLs to apply and for ATF to enforce. Instead of being able to follow a single, consistent rule holding the transferor FFL responsible for reporting stolen or lost firearms in every transaction (should a theft or loss be discovered), FFLs in a transaction would need to examine each individual contract to determine who has the reporting responsibility. For that same reason, it would be impracticable for ATF to ensure regulatory reporting compliance under the variable UCC approach.

The UCC does not address whether a merchant must report thefts or losses of goods in transit; rather, the UCC approach focuses on the ownership of the goods being shipped and allocating the risk of loss for purposes of commercial law. By contrast, the primary focus of the GCA and its implementing regulations is on the acquisition, disposition, and misuse of firearms in service of public safety objectives. *See United States* v. *One Assortment of 89 Firearms,* 465 U.S. 354, 364 (1984) (''In enacting the 1968 gun control legislation, Congress was concerned with the widespread traffic in firearms and with their general availability to those whose possession thereof was contrary to the public interest.'' (internal quotation marks omitted)); *Barrett* v. *United States,* 423 U.S. 212, 220 (1976) (''The history of the 1968 Act reflects a . . . concern with keeping firearms out of the hands of categories of potentially irresponsible persons . . . . Its broadly stated principal purpose was 'to make it possible to keep firearms out of the hands of those not legally entitled to possess them . . . .' '' (quoting S. Rep. No. 1501, at 22 (1968))); H.R. Rep. No. 103–711, at 1 (the 1994 amendments were intended to ''enhance public safety''). The Department thus interprets the GCA to impose reporting and recordkeeping requirements on licensees in certain circumstances regardless of whether the licensee has title to, or bears the risk of loss of, the firearm in question.

Other Federal agency regulations support the conclusion that transferors should be required to report the theft or loss of regulated goods in transit. For example, since 1974, the Drug Enforcement Administration (DEA) has required by rule that suppliers—*i.e.,* transferors—are responsible for reporting in-transit losses of controlled substances by common or contract carriers upon discovery of the theft or loss. *See* 21 CFR 1301.74(c). The DEA also imposes a duty on suppliers to select common or contract carriers that provide adequate security to guard against in-transit losses, *see* 21 CFR 1301.74(e), and to report theft and loss information to the DEA on a standard form, *see* 21 CFR 1301.74(c), to help the DEA to determine the patterns and methods of diversion of controlled substances. *See* 38 FR 31840 (Nov. 19, 1973) (proposed rule); 39 FR 26022 (July 16, 1974) (final rule); *see generally* Larry K. Houck, *The Drug Enforcement Administration's Final Rule on Theft and Significant Loss Reporting: We Can See More Clearly Now,* 61 Food & Drug L.J. 1 (2006). ATF believes that many of the arguments informing DEA's decision to require suppliers to notify DEA of in-transit thefts and losses are applicable to this rulemaking.

C. Method of Reporting Theft or Loss of Firearms

Comments Received

Five commenters supported the requirement to report a theft or loss of firearms in transit in part or in the requirement's entirety. One commenter supported the use of Form 3310.11 to report the theft or loss of firearms in transit to simultaneously meet the requirements of §§ 478.39a and 479.141. Another commenter supported the requirement that FFLs notify local authorities as well as ATF, stating that ''[t]his is a very serious issue and the more authorities that are notified of the issue, the more likely it is to be resolved.'' The same commenter also agreed that transferring/sending FFLs should have the responsibility to report a theft or loss of a firearm in transit because a transferring/sending FFL has access to the shipping history and, therefore, should have better knowledge of the firearm's whereabouts and would be able to ''effectively report'' the theft or loss of the firearm.

Two commenters made statements to the effect that ''[t]he updated regulations will help strengthen our nation['s] ability to track firearms that are lost or stolen while in transit'' and that a single method of reporting such thefts and losses to ATF and local authorities should be adopted. Although those two commenters supported notification of theft or loss by the transferring/sending

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the reporting of thefts or losses of firearms in interstate shipments. *See* ATF, *Safety and Security Information for Federal Firearms Licensees,* ATF Pub. No. 3317.2, at 1 (rev. Feb. 2010), *https://www.atf.gov/file/58656/download; FFL or Interstate Theft Procedures and Information, FFL Newsletter* (ATF, Washington, DC), Aug. 1998, at 5, *https://www.atf.gov/file/56391/download.* To the extent that the Department's prior statements, or ones like it, can be understood as the Department taking a position inconsistent with the interpretation of 923(g)(6) set forth in this final rule, the Department is ''at liberty to depart from its longstanding interpretation of a statute'' so long as it ''provides a reasoned explanation for its decision.'' *TRT Telecomms. Corp.* v. *FCC,* 857 F.2d 1535, 1550 (D.C. Cir. 1988); *see also FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 514–15 (2009). The Department has explained above why it now interprets the term ''inventory'' in 923(g)(6) to encompass firearms that an FFL has shipped.

[13] *See* U.C.C. 2–401(2) (''Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods . . . [and] if the contract requires delivery at destination, title passes on tender there.'')

FFL, they suggested that the requirement to inform local law enforcement of shipping losses or suspected thefts should be eliminated because many local authorities often refuse to take the report. They also suggested that the requirement to make a report to local authorities should be clarified because, as one commenter put it, currently the regulation is ''particularly vague about who exactly the appropriate local authorities would be. If a firearm is being shipped from Philadelphia to Orlando and it gets lost in Atlanta[,] who are the proper local authorities to contact?'' Another commenter suggested that reporting to local authorities could be simplified by updating Form 3310.11 to be applicable for both ATF and local authorities.

Several commenters who opposed the proposed rule did so based on the claim that, once a firearm is logged out of the transferring/sending FFL's A&D Record, it is no longer the responsibility of that FFL. One commenter asserted that the shipping companies instead have responsibility for the shipment and should therefore be required to report any in-transit thefts or losses.

Three commenters had practical concerns about the transferor/sender licensee bearing the responsibility to report the theft or loss of a firearm in transit because, even though a transferor/sender might receive confirmation that the firearms were delivered, such confirmation might not reflect whether the full amount of firearms was received; that discrepancy might only become apparent once the recipient compares the shipping invoice to the specific firearms ordered. Those commenters stated that the transferee in such a situation would be in a better position to know and report whether a firearm was received. The commenters explained that the transferee would have more incentive to report a firearm shipment stolen or lost because businesses are not in the habit of paying for products they do not actually receive.

Department Response

The reporting statute, 18 U.S.C. 923(g)(6), requires FFLs to report the theft or loss of firearms from their inventories or collections not only to the Attorney General (delegated to ATF) but also to ''the appropriate local authorities.'' Thus, as a statutory requirement, the report must be submitted to such local authorities even if it is refused. The Department believes that if the report is made to the local authorities with proper jurisdiction over the incident (*i.e.,* the ''appropriate'' authorities), the chance that the report would be refused is greatly reduced. More specifically, if the location of the loss or theft is known, the local law enforcement agency at that location would be the ''appropriate local authorit[y].'' Otherwise, the transferor/sender should report the theft or loss to the local law enforcement agency at the shipper's location—the same agency the FFL would contact in the event of any other missing or stolen property. Not only does the theft or loss report provide local law enforcement officers with the information necessary to commence an investigation to pursue the offenders and locate the property, such reporting may also assist the FFL in filing an insurance claim to recover the value of the firearms. Because the Department agrees with the commenters that clarification concerning local authority reporting would provide helpful guidance to licensees, the rule has been modified accordingly.

The Department does not agree with one commenter's suggestion that common or contract carriers should be held legally responsible under this rule for reporting the theft or loss of firearms while in transit. The commenter who proposed that the reporting obligation lie with the carriers did not cite any statutory authority under which such a requirement could be imposed. Congress did not ignore the role of common or contract carriers in firearms transactions in the GCA. For example, it is unlawful for a common or contract carrier to transport or deliver any firearm shipment in violation of the GCA, or to deliver a firearm without obtaining written acknowledgment of receipt. *See* 18 U.S.C. 922(f)(1)–(2). Yet Congress did not impose any express requirement on carriers to report the theft or loss of firearms they transport. If Congress had intended that the theft or loss of firearms in transit be reported by carriers, it likely would have drafted the law to state that requirement and specify the carriers' responsibility to file reports.

Instead, the GCA's scheme relies on firearms dealers to control commerce in firearms and places the burden of reporting stolen and lost firearms on licensees. As we have explained, it is reasonable to interpret the phrase ''from the licensee's inventory'' to require transferor/sender licensees to report the thefts or losses of firearms they have placed in transit. In addition, the transferor/sender FFL is in the best position to verify the theft or loss by reviewing its records and the shipping information from the carrier that was utilized. The transferor/sender FFL may also discover that the discrepancy is due to a recordkeeping or other human error, or a theft or loss at the licensed premises, rather than a theft or loss in transit. To be sure, ATF has long encouraged carriers to file theft and loss reports and issued ATF Form 3310.6, Interstate Firearms Shipment Theft/Loss Report, to assist carriers in reporting. However, ATF considers such reporting merely voluntary, not clearly required by statute.

Regarding the comment alleging that ATF made a conflicting statement to the press to the effect that this rulemaking would apply to ''the carriers'' rather than FFLs, ATF has not been able to locate any such statement. Both the 2000 and 2014 proposed rules consistently identified the transferor/sender licensee as the person who would be responsible for reporting thefts and losses of firearms in transit.

D. Burden on FFLs To Report and Update Records

Comments Received

One commenter agreed with the basic process outlined in the proposed rule, but stated that the rule should clarify the type of shipping documents the transferring FFL must retain and for how long. Additionally, the commenter suggested that the proposed time frame for licensees to update their A&D Records to reflect a theft or loss—''7 days following discovery of the theft or loss''—be extended to a longer term. The same commenter also recommended that disposition entries for shipped items not be entered into the A&D Record until the shipment has been received (by the transferee) or declared lost (by the carrier). The commenter asked for clarification on when the ''discovery'' of the theft or loss occurs if the transferor/sender is waiting for proof of delivery to make a ''final disposition entry.'' The commenter further suggested that maintaining the complete electronic tracking record would be a good idea, but that the licensee should be able to dispose of the records a week after the carrier's tracking system (or the recipient's acknowledgment) indicates that the shipment has been received, because otherwise the paperwork could become burdensome.

Another commenter argued that no signature should be required for a shipment and that the rule should not require proof of delivery to be retained. The commenter explained that ''[t]his burden should not fall on the shipping [FFL],'' because ''someone acting nefariously on the receiving end could refute any signature or proof of delivery very easily.''

Another commenter opposed the rule on the basis that the transferor/sender cannot know that the firearm has been stolen or lost in transit until the intended recipient or the carrier notifies the transferor/sender, and the commenter did not know what would constitute notification. The same commenter further asserted that if FFLs are to timely report theft or loss of firearms in transit they must rely upon shipping companies to ''provide accurate information.''

Two other commenters believed that imposing the burden on manufacturers—particularly those that ship thousands of firearms—to report the theft or loss of firearms no longer under the manufacturers' control would be unrealistic. As one commenter complained, ''The resulting logistical burden would be enormous, and require an estimated 2–3 full time personnel to manually track, log and store documentation related to the hundreds or thousands of open orders on any given day.'' Another commenter projected that ATF's estimated time of 24 minutes to complete Form 3310.11 was too low.

Department Response

In light of comments received, the Department has chosen not to implement a recordkeeping requirement related to shipment and delivery paperwork at this time. While the 2000 proposed rule would have required FFLs to establish commercial business practices to verify delivery, this final rule does not require licensees to track shipments or receive verification of receipt. There is only a reporting requirement once the transferor/sender FFL discovers that one or more firearms have been lost or stolen in transit. As stated previously, the FFL's discovery may come from contact with the intended recipient, the common or contract carrier, a witness, or some other person. In accordance with section 923(g)(6), licensees are required to report the theft or loss in transit to ATF and appropriate local authorities within 48 hours after discovery.[14] The Department believes that, in many cases, transferor/sender FFLs are already reporting such thefts and losses to law enforcement authorities and insurance companies to recover the firearms and obtain compensation for their losses.

Licensees will have up to 7 days to reflect the theft or loss of the firearm with a correct disposition entry in the A&D Record. This is consistent with the longstanding firearms disposition reporting requirement for licensed dealers under 27 CFR 478.125(e). ATF understands that there will be instances in which licensees must make corrections to the existing disposition information in their A&D Records to reflect the theft or loss of firearms. In those instances, the FFL should draw a single line through the disposition information. If there is room in the disposition block, the FFL should record the date of the theft or loss, the ATF-Issued Incident Number, and the local authority Incident Number. The licensee should then initial and date the changes. Alternatively, if there is no room in the disposition block to legibly record the required information, the FFL should line-out the disposition information and initial and date the change. The FFL should then make a new entry in the next available line in the current A&D Record. In that case, the FFL must enter a reference to the new book, page, and line number in the disposition side of the updated record, and use the new entry to record the date of the theft or loss, the ATF-Issued Incident Number, and the local authority Incident Number.

Though the number of responding FFLs will grow due to the expansion of the reporting requirements, the estimate of 24 minutes' average completion time for Form 3310.11 will not increase. Form 3310.11 has been utilized since 1994 for the reporting of firearms thefts and losses and this rulemaking makes no significant changes to Form 3310.11 that would lead to an increase in the time required to complete it.

E. Benefit to Law Enforcement

Comments Received

One commenter supported the proposed rule because the rule ''would close a loophole in federal regulations that lets thousands of lost and stolen guns go unreported.'' The commenter believed that if FFLs were required to promptly report guns lost and stolen, illegal gun trafficking would be curtailed and guns would be kept out of the hands of dangerous criminals.

Several commenters asserted that requiring the reporting of firearms stolen or lost in transit would not lead to any appreciable benefits. They questioned whether such reporting would make ATF or local police more successful in an investigation or in tracing firearms. They suggested that the costs of imposing the reporting requirement on licensees exceed any benefits to law enforcement.

Department Response

The moment the theft of a firearm occurs, the firearm has been diverted to an illegal channel and is a threat to public safety. The knowledge that a particular firearm has been diverted is important to law enforcement at the local and Federal levels. A law enforcement agency cannot charge a suspect in possession of a firearm with a theft if there is no information that the firearm was stolen. An agency may not retain a firearm from a suspect if there is no information that the property was stolen. And an agency that has retained such a firearm cannot return the firearm to its rightful owner if there is no information about who the rightful owner might be. Without proper reporting of thefts, law enforcement may not be able link the person(s) who stole the firearm with the suspect who ultimately is found in possession of the firearm.

In addition, even where a report is made to local law enforcement, in-transit shipments often result in interstate or cross-jurisdictional activities. Such activities are the purview of Federal law enforcement, which is designed to bridge jurisdictional gaps and provide assets not available to local law enforcement. ATF has found patterns in thefts in interstate shipments that can only be developed through the examination of aggregate data. This data often includes seemingly separate and unrelated individual incidents of theft over a period of time, which, when analyzed in the aggregate, reveal commonalities that allow ATF to dismantle larger criminal schemes. This process is highly dependent upon the collection of accurate interstate shipment theft information.

In FY 2015, 313 firearms that interstate carriers had voluntarily reported as lost or stolen were recovered and traced by law enforcement agencies. In the past 5 years, 25 firearms that interstate carriers had voluntarily reported as lost or stolen were recovered and traced and the recovering agency reported that they were engaged in a homicide investigation involving the recovered firearm. Carriers voluntarily reported that information to ATF, and those numbers do not reflect the additional amount of firearms lost or stolen in transit that will be reported to ATF by FFLs pursuant to this rule. Such additional reporting will allow law enforcement to open more criminal

[14] For further guidance concerning the discovery and reporting of stolen and lost firearms, see ATF, *Safety and Security Information for Federal Firearms Licensees,* ATF Pub. No. 3317.2 (rev. Feb. 2010), *https://www.atf.gov/file/58656/download;* Open Letter to All Federal Firearms Licensees from Carson W. Carroll, Assistant Director, Enforcement Programs & Services, ATF (Jan. 14, 2009), *https://www.atf.gov/file/60871/download.*

investigations to locate criminals, deter thefts, and promote better controls by carriers to prevent losses. This additional reporting should also result in the return of more lost or stolen firearms to their rightful owners.

In addition to ensuring that thefts and losses of firearms are reported, the procedures outlined in this rule seek to eliminate redundancy in reporting. By designating the transferor/sender FFL as the required reporting party, confusion about who needs to report the incident will be reduced.

V. Final Rule

This final rule adopts, with minor changes, the proposed amendment to 27 CFR 478.39a requiring the transferor/sender FFL to notify ATF and the appropriate local authorities when a firearm is stolen or lost in transit. For purposes of this final rule, the Department considers the U.S. Postal Service a ''common or contract carrier.'' Therefore, the regulatory text of the proposed § 478.39a(a)(2) is amended to read as: ''common or contract carrier (which for purposes of this paragraph includes the U.S. Postal Service).''

Upon the effective date of this final rule, transferor/sender licensees will be required to use Form 3310.11 to notify ATF of firearms stolen or lost in transit. For stolen or lost NFA firearms, submitting Form 3310.11 will satisfy the requirements of 27 CFR 478.39 and 479.141. In addition, transferor/sender FFLs must reflect the theft or loss of a firearm in transit as a disposition entry in their required records not later than 7 days following discovery of the theft or loss. The rule also specifies that FFLs that report theft or loss of a firearm and later discover its whereabouts must advise ATF that the firearm has been located, and must re-enter the firearm into their required records as an acquisition or disposition entry as appropriate. These recordkeeping requirements apply whether the firearm is stolen or lost in transit between FFLs or between a licensee and a nonlicensee.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866 and Executive Order 13563—Regulatory Review

This final rule has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), The Principles of Regulation, and in accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' section 1(b).

The Department of Justice has determined that this final rule is a ''significant regulatory action'' under Executive Order 12866, section (f), and accordingly this final rule has been reviewed by the Office of Management and Budget. However, this final rule will not have an annual effect on the economy of $100 million or more; nor will it adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. Accordingly, this final rule is not an ''economically significant'' rulemaking under Executive Order 12866.

Executive Orders 12866 and 13563 both direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department has assessed the costs and benefits of this final regulation and believes that the regulatory approach selected maximizes net benefits.

Under 18 U.S.C. 923(g)(6) and its current implementing regulation, 27 CFR 478.39a, each FFL must report the theft or loss of a firearm from the licensee's inventory or collection within 48 hours after the theft or loss is discovered. The licensee must report the theft or loss of a firearm to ATF and to the appropriate local authorities. Current regulations do not specify reporting and recordkeeping requirements for firearms lost or stolen while in transit. This final rule specifies that when a firearm is stolen or lost in transit, for reporting purposes it is considered stolen or lost from the transferor's/sender's inventory.

The GCA and the current implementing regulations have long required that a licensee must report the theft or loss of a firearm. This final rule specifies that a transferor/sender licensee is required to submit the required report if a firearm is lost or stolen in transit on a common or contract carrier from that licensee to another person. This final rule retains most of the existing requirements under 27 CFR part 478, subpart H, and the instructions for Form 3310.11 with respect to how FFLs are to record the theft or loss of firearms from their inventories in their A&D Records.

The final rule will reduce the current reporting burden on licensees when the theft or loss involves a registered NFA firearm. Currently, as discussed in section I, a licensee must submit Form 3310.11 to NTC to comply with 27 CFR 478.39a and, if the licensee is the person who lost the firearm, provide additional notification to the NFA Branch to comply with 27 CFR 479.141. Under this final rule, to meet the 27 CFR 478.39a requirements, a licensee must complete and submit Form 3310.11 to NTC. If the theft or loss involves a registered NFA firearm, NTC will notify the NFA Branch. This will satisfy the 27 CFR 479.141 notification requirements; licensees will no longer have to submit additional notification about NFA firearms to ATF.

Although there is no definite count of the total number of firearms that were lost or stolen in transit, ATF can provide an estimate based on tracing data. From FY 2010 through FY 2014, there was an average of 1,333 crime gun traces per year where the firearm was traced back to an FFL that claimed it never received the firearm allegedly shipped to it, but no theft or loss was reported to ATF.[15] ATF recognizes that this figure may include some firearms lost or stolen at licensed premises while not in transit (*i.e.,* prior to or after shipment). However, because there are numerous firearms lost or stolen that have not been traced, the full count of firearms lost or stolen in transit that would be reported under this rule may be significantly higher. Although the number of unreported thefts or losses of firearms may be substantially greater than this estimate, any additional burden to report them should be minimal. At this time, the 1,333 figure reflects the best data available.

Pursuant to the instructions on Form 3310.11, a separate form is required for each theft or loss. ATF estimates that it takes an FFL 24 minutes to complete Form 3310.11; the postage cost to mail the form to NTC is 49 cents. If FFLs complete a separate Form 3310.11 for each of the average of 1,333 firearms that tracing data indicates are lost or stolen each year but are not currently being reported, ATF estimates the total burden hours to be 533 (1,333 × 24/60), and the current estimated cost to be $18,350. (Cost of completing the form = 24 minutes at $33.19 per hour × 1,333 = $17,697; Cost of mailing the form =

[15] In the 2014 NPRM, the Department relied on the crime gun trace average for FY 2008 through FY 2012. In this final rule, the Department has used the more recent average from FY 2010 through FY 2014 because it believes that the updated figure more accurately reflects the actual benefits and costs of the final rule. The updated figure does not meaningfully change the Department's estimates of the rule's costs and benefits.

$.49 × 1,333 = $653.) ATF estimated the cost of the time to complete these tasks using employee compensation data for June 2015 as determined by the Bureau of Labor Statistics (BLS), U.S. Department of Labor. *See* News Release, U.S. Dep't of Labor, Bureau of Labor Statistics, *Employer Costs for Employer Compensation* (Sept. 9, 2015), *http://www.bls.gov/news.release/archives/ecec_09092015.pdf.*[16] The BLS determined the hourly compensation (which includes wages, salaries, and benefits) for civilian workers to be $33.19.

The instructions on Form 3310.11 also provide that FFLs must report firearms thefts or losses by telephone to ATF. ATF estimates that it takes an FFL 24 minutes to call and provide the requisite information to ATF. If an FFL called ATF for each of the average of 1,333 firearms that tracing data indicates are lost or stolen each year but are not currently being reported, ATF estimates the total burden hours to be 533 (1,333 x 24/60), and the current estimated cost is $17,697 (24 minutes at $33.19 per hour × 1,333).

Therefore, the combined total estimated burden hours for submitting Form 3310.11 and calling ATF are 1,066 (533 + 533). The combined total estimated cost of fulfilling those same two requirements is $36,047 ($18,350 + $17,697).

Alternatives, such as the UCC variable approach discussed in section III of the **SUPPLEMENTARY INFORMATION** in the 2014 NPRM, are more burdensome for FFLs than the approach taken in this final rule. This is because, under the UCC variable approach, FFLs would need to examine the terms of the individual contracts to determine how the contract allocates the risk of loss as between the two parties. In contrast, the final rule provides a simple, consistent rule so that there is no basis for uncertainty or need for additional review: the final rule assigns the theft or loss reporting requirement to the transferor/sender FFL.

In addition, this final rule will alleviate reporting burdens on licensees in that licensees will need only report the theft or loss of a registered NFA firearm once to ATF instead of reporting the incident separately to NTC and the NFA Branch. As the licensee is providing much of the same information under both reporting requirements, ATF estimates that it takes the same amount of time and cost for postage, and ATF uses the same hourly compensation as listed above (*i.e.,* 24 minutes for time, 49 cents for postage, and $33.19 for hourly compensation). Currently, the NFA Branch receives notification of the theft or loss of a registered NFA firearm from approximately 60 licensees annually. ATF estimates the total burden hours to be 24 (60 × 24/60) and the total cost to be $826. (Cost of submitting the notification = 24 minutes at $33.19 per hour × 60 = $797; cost of mailing the notification = $.49 × 60 = $29.) Therefore, ATF estimates the savings to be these amounts.

B. Executive Order 13132

This final rule will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, ''Federalism,'' the Attorney General has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

C. Executive Order 12988

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform.''

D. Regulatory Flexibility Act

The Regulatory Flexibility Act requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b). Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. The Attorney General has reviewed this final rule and, by approving it, certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Under section 18 U.S.C. 923(g)(6) and its implementing regulation, 27 CFR 478.39a, each FFL must report the theft or loss of a firearm from the licensee's inventory or collection within 48 hours after the theft or loss is discovered. The licensee must report the theft or loss of a firearm to ATF and to the appropriate local authorities. This final rule clarifies that when a firearm is stolen or lost in transit, for reporting purposes, it is considered stolen or lost from the transferor/sender FFL's inventory.

As discussed in section I of this preamble, the current regulation requires that an FFL report thefts or losses telephonically to ATF and complete and submit to NTC a separate Form 3310.11 for each theft or loss. ATF estimates the time to complete the form as 24 minutes, the time for the telephone call as 24 minutes, and the postage cost as 49 cents. If an FFL called ATF to report the theft or loss and completed a separate Form 3310.11 for each of the average of 1,333 firearms that tracing data indicates are lost or stolen each year but are not currently being reported, ATF estimates the total cost of completing and mailing the form and calling ATF to be $36,047. See section VI.A. for a full discussion of these costs. Therefore, this final rule will not impose a significant impact on a substantial number of small entities.

E. Small Business Regulatory Enforcement Fairness Act of 1996

This final rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This final rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic and export markets.

F. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1532(a), 1533(a).

G. Paperwork Reduction Act

This final rule revises an existing reporting and recordkeeping requirement under the Paperwork Reduction Act. It also eliminates an existing reporting requirement. The current regulation at 27 CFR 478.39a provides that each FFL must report the theft or loss of a firearm from the licensee's inventory or collection within 48 hours after the theft or loss is discovered. Licensees must report such

[16] In the 2014 NPRM, the Department relied on BLS employee compensation data from December 2013. In this final rule, the Department has used the more recent BLS data from June 2015 because it believes that the more recent data more accurately reflects the actual benefits and costs of the final rule. The more recent BLS data does not meaningfully change the Department's estimates of the rule's costs and benefits.

thefts and losses to ATF both telephonically and by submitting Form 3310.11. Licensees must also report the theft or loss to the appropriate local authorities.

Pursuant to 27 CFR 479.141 and according to the instructions on Form 3310.11, licensees reporting the theft or loss of registered NFA firearms must provide additional notification to ATF. As discussed in section I, no form exists for this purpose, and the person reporting typically submits a letter with the required information to the NFA Branch. As part of this rulemaking, Form 3310.11, approved under OMB control number 1140–0039, will capture the information required by 27 CFR 479.141. Therefore, under this final rule, a licensee will satisfy its obligation to provide the required notification to the NFA Branch by submitting Form 3310.11 to NTC, and NTC will notify the NFA Branch. Submitting Form 3310.11 will satisfy the requirements of both 27 CFR 478.39a and 27 CFR 479.141 with one notification.

In addition, the instructions on Form 3310.11 state that a licensee must reflect the theft or loss of a firearm as a disposition entry in the A&D Record required by subpart H of part 478 (formerly 178). These instructions further state that the disposition entry should indicate whether the incident is a theft or loss and include the ATF-Issued Incident Number and the Incident Number provided by the local law enforcement agency. Finally, the instructions state that if the firearms are located, they should be re-entered in the A&D Record as acquisition entries. The final rule adds both sets of these instructions to the regulatory text in 27 CFR 478.39a with modifications. See section V for full discussion of these revisions.

The information collection required by 27 CFR 478.39a—*i.e.,* the submission of Form 3310.11—has been approved by the Office of Management and Budget under control number 1140–0039. This final rule specifies that when a firearm is stolen or lost in transit, for reporting purposes, it is considered stolen or lost from the transferor's/sender's inventory.

Drafting Information

The author of this document is Denise Brown, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Customs duties and inspection, Exports, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

Authority and Issuance

Accordingly, for the reasons discussed in the preamble, 27 CFR part 478 is amended as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 921–931; 44 U.S.C. 3504(h).

■ 2. Revise § 478.39a to read as follows:

§ 478.39a Reporting theft or loss of firearms.

(a)(1) Each licensee shall report the theft or loss of a firearm from the licensee's inventory (including any firearm which has been transferred from the licensee's inventory to a personal collection and held as a personal firearm for at least 1 year), or from the collection of a licensed collector, within 48 hours after the theft or loss is discovered.

(2) When a firearm is stolen or lost in transit on a common or contract carrier (which for purposes of this paragraph includes the U.S. Postal Service), it is considered stolen or lost from the transferor/sender licensee's inventory for reporting purposes. Therefore, the transferor/sender of the stolen or lost firearm shall report the theft or loss of the firearm within 48 hours after the transferor/sender discovers the theft or loss.

(b) Each licensee shall report the theft or loss by telephoning ATF at 1–888–930–9275 (nationwide toll-free number), and by preparing and submitting to ATF a Federal Firearms Licensee Theft/Loss Report, ATF Form 3310.11, in accordance with the instructions on the form. The original of the report shall be retained by the licensee as part of the licensee's required records.

(c) When a licensee submits to ATF a Federal Firearms Licensee Theft/Loss Report, ATF Form 3310.11, for the theft or loss of a firearm registered under the National Firearms Act, this report also satisfies the notification requirement under § 479.141 of this chapter.

(d) Theft or loss of any firearm shall also be reported to the appropriate local authorities. If the location of the theft or loss is known, the local law enforcement agency at that location would be the appropriate local authority. Otherwise, the report should be made to the local law enforcement authorities at the licensee's location or business premises.

(e) Licensees shall reflect the theft or loss of a firearm as a disposition entry in the Record of Acquisition and Disposition required by subpart H of this part not later than 7 days following discovery of the theft or loss. The disposition entry shall record whether the incident is a theft or loss, the ATF-Issued Incident Number, and the Incident Number provided by the local law enforcement agency.

(f) Licensees who report the theft or loss of a firearm and later discover its whereabouts shall advise ATF at 1–888–930–9275 (nationwide toll-free number) that the firearm has been located, and shall re-enter the firearm in the Record of Acquisition and Disposition as an acquisition or disposition entry as appropriate.

Dated: January 4, 2016.

Loretta E. Lynch,

Attorney General.

[FR Doc. 2016–00112 Filed 1–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 285

RIN 1530–AA12

Debt Collection Authorities Under the Debt Collection Improvement Act of 1996

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury, Bureau of the Fiscal Service, is amending its regulations concerning the offset of Federal benefit payments to collect past-due, legally enforceable nontax debt, centralized offset of Federal payments to collect nontax debts owed to the United States, salary offset, and transfer of debts to Treasury for collection. The amendment adjusts the time period in which Federal agencies must notify the Secretary of the Treasury of past due, nontax debt for the purposes of administrative offset. A statutory change, enacted as part of the Digital Accountability and Transparency Act of 2014, shortened the period of delinquency within which Federal agencies are required to notify the Secretary of past due, nontax debt from 180 days to 120 days.

DATES: This rule is effective January 12, 2016.

ADDRESSES: Bureau of the Fiscal Service, 401 14th Street SW., Washington, DC 20227.

SUPPLEMENTARY INFORMATION:

I. Background

Section 5 of the Digital Accountability and Transparency Act of 2014, Public Law 113–101, amended a provision of the Debt Collection Improvement Act of 1996, codified at 31 U.S.C. 3716(c)(6), to change the time by which Federal agencies must notify the Secretary of the Treasury of past due, nontax debts for the purposes of administrative offset. The amendment changes the notice requirement from 180 days delinquent to 120 days delinquent.

The changes to this rule conform to the statutory language by removing references to 180 days in the sections relating to: Offset of Federal benefit payments to collect past-due, legally enforceable nontax debt; centralized offset of Federal payments to collect nontax debts owed to the United States; salary offset; and the transfer of debts to Treasury for collection. In each instance, ''180 days'' is replaced with ''120 days.'' In addition, the rule makes revisions to address agencies that transfer debts to Fiscal Service for debt collection services and on behalf of which Fiscal Service submits debt for administrative offset. Federal agencies that are owed debt must transfer any debt that is more than 180 days delinquent to Fiscal Service for debt collection services. Administrative offset is one of the collection tools used by Fiscal Service to collect debt. Therefore, agencies transferring debts to Fiscal Service for debt collection are able to satisfy the notification requirement for administrative offset and the requirement to transfer delinquent debts with a single referral. Because the notice requirement for administrative offset is now 120 days and not 180 days, agencies relying on Fiscal Service to submit debts for administrative offset on their behalf must transfer the debts no later than 120 days after they become delinquent in order to meet the notification requirement for administrative offset. Agencies that do not rely on Fiscal Service to submit their debts for administrative offset must still transfer their debts no later than 180 days after they become delinquent.

II. Procedural Analyses

Administrative Procedures Act

This rule is being issued without prior public notice and comment because the changes to the rule are being made to conform to statutory requirements. Under 5 U.S.C. 553(b) and (d)(3), good cause exists to determine that notice and comment rulemaking is unnecessary and contrary to the public interest. The amendments made by this rule merely mirror amendments already enacted into law. Further delay in making these amendments would create an inconsistency between the law and the regulations and would cause confusion.

Regulatory Planning and Review

The final rule does not meet the criteria for a ''significant regulatory action'' as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

Regulatory Flexibility Act Analysis

Because no notice of rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. et seq.) do not apply.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Child support, Child welfare, Claims, Credits, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Loan programs, Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income (SSI), Taxes, Veterans' benefits, Wages.

For the reasons set forth in the preamble, we are amending 31 CFR part 285 as follows:

PART 285—DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

■ 1. The authority citation for part 285 continues to read as follows:

Authority: 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D; 42 U.S.C. 664; E.O. 13019, 61 FR 51763, 3 CFR, 1996 Comp., p. 216.

§ 285.4 [Amended]

■ 2. In § 285.4, in paragraph (d), remove ''180'' and add in its place ''120'' each place it appears.

§ 285.5 [Amended]

■ 3. In § 285.5, in paragraphs (d)(1) and (2) and two occurences in paragraph (d)(3)(iv), remove ''180'' and add in its place ''120''.

§ 285.7 [Amended]

■ 4. In § 285.7, in paragraph (d)(1), remove ''180'' and add in its place ''120''.

■ 5. In § 285.12, revise paragraphs (c)(1), (c)(3)(i), and (g) to read as follows:

§ 285.12 Governing transfer of debts to Treasury for collection.

* * * * *

(c) * * *

(1) Except as set forth in paragraph (d) of this section, a creditor agency shall transfer any debt that is more than 180 days delinquent to Fiscal Service for debt collection services. Agencies that transfer delinquent debts to Fiscal Service for the purposes of debt collection and that rely on Fiscal Service to submit the transferred debts for administrative offset on the agency's behalf must transfer the debts to Fiscal Service no later than 120 days after the debts become delinquent in order to satisfy the 120-day notice requirement for purposes of administrative offset. For accounting and reporting purposes, the debt remains on the books and records of the agency which transferred the debt.

* * * * *

(3)(i) A debt is considered delinquent for purposes of this section if it is past due and is legally enforceable. A debt is past-due if it has not been paid by the date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made. A debt is legally enforceable if there has been a final agency determination that the debt, in the amount stated, is due and there are no legal bars to collection action. Where, for example, a debt is the subject of a pending administrative review process required by statute or regulation and collection action during the review process is prohibited, the debt is not considered legally enforceable for purposes of mandatory transfer to Fiscal Service and is not to be transferred even if the debt is more than 180 days past-due.

* * * * *

(g) *Administrative offset.* As described in paragraph (c) of this section, under the DCIA, agencies are required to transfer all debts over 180 days delinquent to Fiscal Service for purposes of debt collection (*i.e.,* cross-servicing). Agencies are also required, under the DCIA, to notify the Secretary of all debts over 120 days delinquent for purposes of administrative offset. Administrative offset is one type of collection tool used by Fiscal Service

and Treasury-designated debt collection centers to collect debts transferred under this section. Thus, by transferring debt to Fiscal Service or to a Treasury-designated debt collection center under this section, Federal agencies will satisfy the requirement to notify the Secretary of debts for purposes of administrative offset and duplicate referrals are not required. Agencies relying on Fiscal Service to submit debts for administrative offset on the agency's behalf must transfer the debts to Fiscal Service no later than 120 days after the debts become delinquent in order to satisfy the 120-day notice requirement for purposes of administrative offset. A debt which is not transferred to Fiscal Service for purposes of debt collection, however, such as a debt which falls within one of the exempt categories listed in paragraph (d) of this section, nevertheless may be subject to the DCIA requirement of notification to the Secretary for purposes of administrative offset.

* * * * *

David A. Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2015–33044 Filed 1–11–16; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0247; FRL–9940–87–Region 4]

Approval and Promulgation of Implementation Plans; Mississippi; Memphis, TN–MS–AR Emissions Statements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the state implementation plan (SIP) revision submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ) on August 28, 2015, to address the emissions statement requirements for the State's portion of the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN–MS–AR) 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area (hereafter referred to as the ''Memphis, TN–MS–AR Area'' or ''Area''). Annual emissions reporting (*i.e.,* emission statements) is required for all ozone nonattainment areas. The Area is comprised of Shelby County in Tennessee, Crittenden County in Arkansas, and a portion of DeSoto County in Mississippi. In this action, EPA is taking final action to approve the emissions statement requirements for DeSoto County in Mississippi portion of the Area.

DATES: This final rule is effective February 11, 2016.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0247. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached at (404) 562–9088 and via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 28, 2015, MDEQ submitted a SIP revision to EPA that seeks to add 11 Mississippi Administrative Code (MAC), Part 2, Chapter 11, ''Regulations for Ambient Air Quality Non-Attainment Areas,'' [1] into the Mississippi SIP to meet the emissions statements requirement of CAA section 182(a)(3)(B).[2] This chapter of the MAC contains Rule 11.1—General, which states the purpose of the regulation; Rule 11.2—*Definitions,* which defines Commission, Department, NAAQS, Nonattainment Area, and Emissions Statement; and Rule—11.3 *Emissions Statement,* which: (1) Applies to all stationary sources of NO_X [nitrogen oxides] or VOCs [volatile organic compounds] which have the potential to emit 25 tons or more of either pollutant per calendar year and are located in areas designated as nonattainment for the 2008 ozone NAAQS; (2) requires owners and operators of those stationary sources of NO_X and VOC to provide a statement showing the actual emissions of NO_X and VOCs from that source; and (3) requires that emissions statements be submitted to MDEQ by July 1 of every year, showing actual emissions of the previous calendar year and containing a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. EPA has determined that these regulations meet all of the requirements of the Clean Air Act (CAA or Act) section 182(a)(3)(B) for the Mississippi portion of the Area because they cover the portion of DeSoto County within the Area and satisfy the applicability, certification, and other emissions statements criteria contained therein.

In a notice of proposed rulemaking published on August 10, 2015, EPA proposed to approve Mississippi's June 1, 2015, draft SIP revision submitted for parallel processing that sought to add new Rules 11.1, 11.2, and 11.3 from Title 11 of the Mississippi Administrative Code, Part 2, Chapter 11 into the SIP. *See* 80 FR 47883. The details of Mississippi's submittal and the rationale for EPA's actions are explained in the Proposed Rule. Comments on the proposed rulemaking were due on or before September 9, 2015. No adverse comments were received. On August 28, 2015, Mississippi submitted a final SIP revision that did not contain any substantive changes from the draft version submitted on June 1, 2015. EPA is now taking final action to approve the

[1] These regulations conform to the new nomenclature for Mississippi's state regulations pursuant to the State's recently amended Administrative Procedures Act. Mississippi has not provided EPA with a SIP revision to renumber the state regulations currently incorporated into the SIP.

[2] Section 182(a)(3)(B) of the CAA requires each state with ozone nonattainment areas to submit a SIP revision requiring annual emissions statements to be submitted to the state by the owner or operator of each NO_X or VOC stationary source located within a nonattainment area showing the actual emissions of NO_X and VOC from that source. The first statement is due three years from the area's nonattainment designation, and subsequent statements are due at least annually thereafter.

August 28, 2015 SIP revision as meeting the requirements of section 182(a)(3)(B) of the CAA.

II. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporate by reference of Title 11 of the MAC, Part 2, Chapter 11 entitled ''Regulations for Ambient Air Quality Nonattainment Areas,'' which adds a new Rule 11.1—*General* that states the purposes of the Chapter, a new Rule 11.2—*Definitions,* and a new Rule 11.3—*Emissions Statement* covering applicability, which were effective September 26, 2015. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the Region 4 office (see the **ADDRESSES** section of this preamble for more information).

III. Final Action

EPA is approving the SIP revision submitted by Mississippi on August 28, 2015, to incorporate 11 MAC, Part 2, Chapter 11, ''Regulations for Ambient Air Quality Nonattainment Areas,'' into its SIP to meet the section 182(a)(3)(B) emissions statements requirement for the Mississippi portion of the Memphis, TN–MS–AR Area. EPA has concluded that the State's submission meets the requirements of the CAA.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 14, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: December 21, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Z—Mississippi

■ 2. Section 52.1270(c) is amended by adding undesignated heading ''11–MAC-Part 2–11 Regulations for Ambient Air Quality Nonattainment Areas'' and entries ''Rule 11.1'', ''Rule 11.2'', and ''Rule 11.3'' at the end of the table to read as follows:

§ 52.1270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSISSIPPI REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
11–MAC-Part 2–11 Regulations for Ambient Air Quality Nonattainment Areas				
Rule 11.1	General	9/26/2015	1/12/2016 [Insert citation of publication].	
Rule 11.2	Definitions	9/26/2015	1/12/2016 Insert citation of publication].	
Rule 11.3	Emissions Statement	9/26/2015	1/12/2016 [Insert citation of publication].	

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2011–0084; 92220–1113–0000]

RIN 1018–AH53

Endangered and Threatened Wildlife and Plants; Removal of Frankenia johnstonii (Johnston's frankenia) From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; availability of final post-delisting monitoring plan.

SUMMARY: The best available scientific and commercial data indicate that *Frankenia johnstonii* (Johnston's frankenia) has recovered. Therefore, under the authority of the Endangered Species Act of 1973, as amended (Act), we, the U.S. Fish and Wildlife Service (Service), remove (delist) the Johnston's frankenia from the Federal List of Endangered and Threatened Plants. This determination is based on a thorough review of all available information, which indicates that the threats to this species have been eliminated or reduced to the point that the species has recovered and no longer meets the definition of threatened or endangered under the Act. We also announce the availability of the final post-delisting monitoring plan for Johnston's frankenia.

DATES: This rule becomes effective February 11, 2016.

ADDRESSES: The final rule is available on the Internet at *http://www.regulations.gov,* Docket No. FWS–R2–ES–2011–0084. Comments and materials received, as well as supporting documentation used in the preparation of this rule, will be available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Corpus Christi Ecological Services Field Office, TAMU–CC, 6300 Ocean Drive, USFWS–Unit 5837, Corpus Christi, Texas 78412–5837. You may obtain copies of the final rule from the field office address above, by calling (361) 994–9005, or from our Web site at *http://www.fws.gov/southwest/es/Library/.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

FOR FURTHER INFORMATION CONTACT: Dawn Gardiner, Assistant Field Supervisor, Texas Coastal Ecological Services Field Office, Corpus Christi, at the above address, or telephone 361–994–9005 or email to *Dawn_Gardiner@fws.gov.* Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at 1–800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Executive Summary

Recovery actions for Johnston's frankenia have resulted in a reduction in the magnitude of threats due to: (1) A significant increase in the number of documented populations; (2) a major expansion of the known range for the species; (3) a population estimate of more than 4 million plants; (4) the species' ability to successfully outcompete nonnative grasses, recolonize disturbed areas, and tolerate grazing in the specialized habitat it occupies indicates it is more resilient than previously believed; and (5) improved management practices as a result of outreach activities to, and cooperative agreements with, landowners. Our review of the status of this species shows that populations are stable, threats are addressed, and adequate regulatory mechanisms are in place so that the species is not currently, and is not likely to become, an endangered species within the foreseeable future in all or a significant portion of its range.

The regulations in title 50 of the Code of Federal Regulations (CFR) at § 424.22(d) state that a species may be delisted if (1) it becomes extinct, (2) it recovers, or (3) the original classification data were in error. In the proposed rule of May 22, 2003 (68 FR 27961), the Service proposed to delist Johnston's frankenia due to an expansion of our knowledge of the species' known range, the number of newly discovered populations—some with large numbers of individual plants, increased knowledge of the life-history requirements of the species, and clarification of the degree of threats to its continued existence. The species is also being delisted because recovery efforts have improved the species' status, and the current new data show that removing Johnston's frankenia from the List of Endangered and Threatened Plants is warranted.

SUPPLEMENTARY INFORMATION:

Previous Federal Action

Federal Government actions on this species began with section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report (House Document No. 94–51), which included Johnston's frankenia in the endangered category, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(20), now section 4(b)(3)(A), of the Act, and of the Service's intention thereby to review the status of those plants. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24524) to

list approximately 1,700 plant species as endangered and solicited comments in order for the final rule to be as accurate and effective as possible. Subsequent amendments to the Act required withdrawal of most of this proposal, including the proposed listing of Johnston's frankenia. Johnston's frankenia was again proposed for listing as an endangered species on July 8, 1983 (48 FR 31414). The final rule listing Johnston's frankenia as an endangered species was published August 7, 1984 (49 FR 31418). Critical habitat was not designated for this species. The Johnston's Frankenia Recovery Plan was completed in 1988 (Service 1988). On May 22, 2003, the Service published a proposed rule to delist Johnston's frankenia (68 FR 27961). On October 25, 2011, the Service published a notice of document availability, including updated information, to reopen the comment period on the proposed rule to delist Johnston's frankenia and announce the availability of the draft post-delisting monitoring plan (76 FR 66018).

Additional information regarding previous Federal actions for Johnston's frankenia can be obtained by consulting the species' regulatory profile found at: *http://ecos.fws.gov/speciesProfile/SpeciesReport.do?spcode=Q1WH.*

Species Information

Johnston's frankenia *(Frankenia johnstonii),* a member of the Frankeniaceae family, is a distinct species of perennial shrub endemic to Starr, Webb, and Zapata Counties in Texas and the northeastern part of the Mexican states of Nuevo Leon, Coahuila, and Tamaulipas. It is a low-growing, perennial shrub that occurs in open interspaces of the mesquite-blackbrush community of the South Texas Plains vegetation zone. This shrub species appears to be restricted to pockets of hypersaline (very salty) soils in open, rocky, gypseous hillsides or saline flats. It is found in a clumped distribution within this very specialized soil type.

Population Numbers and Distribution

When Johnston's frankenia was originally listed, there were six known populations, with five occurring in Starr and Zapata Counties, and one population in Nuevo Leon, Mexico. All of the U.S. populations occurred on private lands and encompassed a 35-mile (mi) (56-kilometer (km)) radius, with the population in Mexico located approximately 125 mi (201 km) to the west. Since the publication of the proposed rule to delist Johnston's frankenia in May 2003, the total number of known populations in Texas is at least 68, covering approximately 2,031 sq mi (5,260 sq km), in Starr, Webb, and Zapata Counties, and at least 4 populations in Mexico (Price *et al.* 2006, p. 10 in Attachment B and pp. 2–5 in Attachment C; Janssen 2007, pers. comm.; Janssen 2010, pp. 5–6). Portions of 5 of these 68 populations extend onto publicly owned land including the Lower Rio Grande Valley National Wildlife Refuge (Refuge), Texas Department of Transportation (TxDOT) right-of-ways, and lands managed by the United States International Boundary and Water Commission (USIBWC) adjacent to Falcon Reservoir in Starr and Zapata Counties.

Individual Plant Numbers

Since the original listing in 1984 when 1,000 plants were counted, additional Johnston's frankenia surveys were completed in Starr, Webb, and Zapata Counties (Janssen 1999, entire; Price et al. 2006, p. 10 in Attachment B and pp. 2–5 in Attachment C; Janssen 2007, pers. comm.; Janssen 2010, pp. 5–6). The results of these status surveys showed a substantial increase in individual plants to at least 4 million plants.

Further biological information (*i.e.,* more detailed physical description, distribution and threats, habitat characteristics, and life history) for Johnston's frankenia can be found in our proposal for delisting this species, published in the **Federal Register** on May 22, 2003 (68 FR 27961), and in the Johnston's Frankenia Recovery Plan (Service 1988, pp. 2–13).

Based on best available information there is no evidence to suggest the number of populations and their numbers have declined since the 2011 proposed rule.

Summary of Comments and Recommendations

In the proposed rule to delist Johnston's frankenia published on May 22, 2003 (68 FR 27961), we requested that all interested parties submit written comments on the proposal by August 20, 2003. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published. During the 2003 comment period, we received nine public comment letters. We did not receive any requests for a public hearing.

On October 25, 2011 (76 FR 66018), we reopened the comment period for the proposed rule of May 22, 2003 (68 FR 27961), included updated information, and requested public comment on the Draft Post-Delisting Monitoring Plan. During the 2011 comment period, we received four public comment letters.

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from four knowledgeable individuals with scientific expertise that included familiarity with Johnston's frankenia and its habitat, biological needs, and threats. We received responses from four peer reviewers during the original comment period associated with the proposed delisting rule on May 22, 2003 (68 FR 27961).

We reviewed all comments received from the peer reviewers and the public for substantive issues and new information regarding the listing of Johnston's frankenia. Substantive comments received during the comment period are addressed below and, where appropriate, incorporated directly into this final rule and the post-delisting monitoring plan.

Issue 1: Several commenters were concerned that the Service was basing this proposed delisting decision on the fact that the listing criteria and process has changed since 1984 when Johnston's frankenia was originally listed as endangered.

Response: The Service believes that removal of Johnston's frankenia from the Federal List of Endangered and Threatened Wildlife is justified based on the information presented throughout this rule, not due to the differences between the 1984 and 2003 listing criteria and process. This species was listed in 1984 at a time when very little was known about its biology or distribution and only 5 populations in the U.S. had been located, comprising a total plant count of approximately 1,000 individuals distributed over a 35-mi (56-km) radius. In addition, none of these populations were under protective management. We now know of at least 68 populations exceeding 4 million plants ranging over 2,031 sq mi (5,260 sq km). Thus, the significant increase in number of documented populations, the major expansion of the range for the species, added conservation protection for some populations, and a population estimate of more than 4 million plants are some of the key reasons for the proposed delisting of Johnston's frankenia. These larger numbers and more expansive range coupled with protective management of some populations and the lack of overall threats is the basis for why this species is no longer considered threatened.

Issue 2: Several commenters expressed concerns that the proposed rule did not define how the Geographic Information Systems (GIS) analyses were done, and that no detailed summaries or discussion of data reliability were found in the cited report by Shelley and Pulich (2000).

Response: The Service created several GIS maps using location information presented in a final section 6-funded Texas Parks and Wildlife Department (TPWD) report (Janssen 1999, entire). Johnston's frankenia populations, color-coded by size (small, intermediate, or large), were drawn onto a 1:250,000 United States Geological Survey topographic map that allowed a more definitive analysis of the proximity of the different-sized populations to highways, county roads, cities, towns, and Falcon Reservoir. The Service also contracted with Texas State University (formerly known as Southwest Texas State University) for a GIS report (Shelley and Pulich 2000, entire) that showed roads, cities, and colonias (low-income, unincorporated settlements that lack running water, wastewater treatment, or other services) in relation to known Johnston's frankenia locations. This latter report included projections of future human development patterns and how these may impact Johnston's frankenia populations. Their GIS methodology is summarized on page 3 (Shelley and Pulich 2000). Their report concluded that most Johnston's frankenia populations are not suffering, nor harmed in a direct way by the pressures of human population growth (Shelley and Pulich 2000, p. 11).

Issue 3: One commenter suggested that continued monitoring of the species is warranted, especially focusing on three aspects: (1) Gathering of more specific population data in Starr County, (2) determining the rate of habitat or population loss or damage over time, and (3) assessing the potential long-term impacts of low reproductive success in light of the species' low seed set, low seed viability, and the apparent absence of a seed bank.

Response: As required by the Act, the Service worked with TPWD to prepare a post-delisting monitoring plan that is designed to detect population and habitat changes over time with onsite monitoring every 3 years over a 10-year period.

Issue 4: One commenter submitted that the population-by-population accounts that include confidential and unverifiable locality information, especially in Webb County, complicate understanding the vulnerability of these populations. It is undecipherable from the final report how much of the suitable soil in Webb County was surveyed and, therefore, how significant this part of the overall range is to the species. Two of the seven populations within Webb County are of the confidential and undetailed locality type, so that, while the large populations #2 and #3 are only described as being northeast and east of Laredo, respectively, it is unclear whether they are on isolated rangeland or in the zone of expected impact from urbanization in this rapidly growing area. Also in Webb County, two populations with conservation agreements are small in size, one large population with viable numbers is isolated and has mining on the site with no formal agreement for continued protection, and at least portions of the two other populations are at high risk or threatened.

Response: Providing confidentiality for private landowners who were not part of the voluntary agreement program was often the only way to obtain plant information and access to the site. Regarding the Webb County Johnston's frankenia populations, the Service used its GIS-produced map to determine that large populations, #2 and #3, occur approximately 20 and 10 mi (32 and 16 km), respectively, from the city of Laredo. Both of these populations are on large ranches and are no closer than 1.5 mi (2.4 km) from a road or highway. Additionally, one of the largest populations located to date, #5, as well as one intermediate-sized population, #7, occur in Webb County where the landowners have indicated their interest in conserving the species (Janssen 1999, pp. 23 and 28). Population #1 is located on the site where mining is taking place. However, this is also the population for which an extension was discovered on the neighboring ranch (Carr 2004, p. 2) where the new landowners have shown a high degree of interest in conservation of all of their rare species, offering protection to the portion of this population on their ranch (Williams 2004, pers. comm.). The Maverick-Catarina soils complex, on which all the known Johnston's frankenia populations in Webb County have been found to date, underlies approximately 13 percent (287,210 acres (ac) or 116 hectares (ha)) of the county's surface area (Sanders and Gabriel 1985, p. 127). Although the Service does not know how much of this acreage has been sufficiently surveyed for the species, the botanist who conducted most of the surveys for this species believed she had covered 75 to 80 percent of the range as defined by suitable soils (Janssen 2001, pers. comm.). Therefore, we conclude that the majority of the large populations in Webb County are protected from threats, and that a significant portion of the suitable habitat has been surveyed.

Issue 5: Although Zapata County appears to be the center of Johnston's frankenia distribution in the United States, there are other potential concerns about data provided for review. First, for a number of populations referred to as ''secure,'' landowner agreements were ''pending'' or not in place, and, therefore, the conclusion of security is not well supported. Second, the reports from a secondary source for nine Starr County populations have incomplete population profiles with a dearth of information and do not address present threats or landowner intentions.

Response: The Service agrees that Zapata County appears to be the center of the Johnston's frankenia distribution in the United States and it is the county with the highest level of protection for the species, primarily due to the lower levels of development taking place within this county and also due to the number of landowners who have taken an interest in conservation of the species, as evidenced by their participation in voluntary conservation agreements (Janssen 1999, pp. 34–114; Price *et al.* 2006, pp. 2–3 in Attachment C). As part of the post-delisting monitoring plan, the Service will work with TPWD to take advantage of any future opportunities to encourage additional surveys in Starr and Webb Counties, and work with private landowners in those counties to pursue additional conservation agreements or to assist with other actions that would help landowners in their conservation efforts.

The use of the word ''secure'' was used with the understanding that the term referred only to active voluntary agreements. We do not presume to know any landowner intentions beyond these agreements, thus our post-delisting monitoring plan identifies measurable management thresholds and responses for detecting and reacting to significant changes in Johnston's frankenia protected habitat, distribution, and persistence for all three counties.

The voluntary protection of Johnston's frankenia on privately owned lands is important, and we conclude that the improved management practices as a result of outreach activities to landowners, and cooperative agreements with landowners, has been very beneficial to this species. However, the key reasons

the Service is proposing to delist Johnston's frankenia is due to the significant increase in the number of documented populations, a major expansion of the known range for the species, and a population estimate of more than 4 million plants. These larger numbers and more expansive range coupled with the lack of overall threats provide the primary basis for delisting.

Issue 6: Several commenters had concerns with the long-term protection of Johnston frankenia because the majority of the plants occur on private lands. Private landowner voluntary protection agreements are short term and lack legal force and are, therefore, symbolic and do not ensure real protection in the long term.

Response: The Service understands that protection on privately owned land is voluntary. Though the voluntary protection of Johnston's frankenia on privately owned lands is important, and we conclude that the improved management practices as a result of outreach activities to, and cooperative agreements with, landowners has been very beneficial to this species, these factors are not the sole basis for delisting. The primary reasons the Service is proposing to delist Johnston's frankenia are the significant increase in the number of documented populations, a major expansion of the known range for the species, and a population estimate of more than 4 million plants. These larger numbers and more expansive range coupled with the lack of threats to the species provide the primary basis for the delisting.

Issue 7: It is not safe to assume continuing protection of the species on Federally owned lands following delisting unless a formal conservation agreement or plan is put in place.

Response: A formal agreement or plan is not needed to continue protections for this species on Federal land. The Refuge will continue to monitor its Johnston's frankenia population, and conservation of this species will continue to be included in all management activities (Castillo 2007, pers. comm.). The USIBWC does not conduct active management practices on their Falcon Reservoir property, such as mowing or clearing, and they have indicated that they intend to continue considering Johnston's frankenia as a sensitive species. They will manage the population on their Falcon Reservoir land by recommending avoidance of impacts when coordinating with entities seeking access for projects on this land (Echlin 2004, pers. comm.). Though the Service acknowledges that these informal conservation efforts are beneficial, they are not the sole basis for delisting. The key primary reasons the Service is proposing to delist Johnston's frankenia are the significant increase in the number of documented populations, a major expansion of the known range for the species, and a population estimate of more than 4 million plants. These larger numbers and more expansive range coupled with the lack of overall threats provide the primary basis for delisting.

Issue 8: Once Johnston's frankenia is delisted, funding will no longer be available to Service and TPWD staff to do the work needed to obtain and maintain conservation agreements with landowners. Without monitoring, delisting will allow Johnston's frankenia numbers to drop to dangerous levels without anyone taking notice.

Response: As discussed elsewhere in this rule, the Service is confident that the future existence of this species is ensured due to the significant expansion of the species' range, and increased abundance across its range. Furthermore, we have determined that the magnitude of threats facing the species is greatly reduced because of our reevaluation of the impact from the types of habitat modification activities (agricultural, industry, and residential) that were formerly considered significant. The post-delisting monitoring plan was specifically designed to detect population and habitat changes over time; if negative changes are observed from any monitoring activities, such as reduced numbers of plants or decreased extent of a population, then more intensive onsite observations or data collections will be employed. If changes are considered substantial, an education and outreach program will be implemented for plant conservation activities. If future information indicates an increased likelihood that the species may become threatened or endangered with extinction, the Service will initiate a status review and determine if relisting the species is warranted. Landowner contacts will be a requisite piece of implementing this monitoring plan, and as the level of landowner interest is investigated, voluntary conservation agreements could be offered to interested landowners.

Recovery Planning and Implementation

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Recovery planning includes the development of a recovery outline shortly after a species is listed, and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new, substantive information becomes available. The recovery plan identifies site-specific management actions that will achieve recovery of the species, measurable criteria that set a trigger for review of the species' status, and methods for monitoring recovery progress.

Recovery plans are not regulatory documents and are instead intended to establish goals for long-term conservation of listed species, define criteria that are designed to indicate when the threats facing a species have been removed or reduced to such an extent that the species may no longer need the protections of the Act, and provide guidance to our Federal, State, and other governmental and nongovernmental partners on methods to minimize threats to listed species. There are many paths to accomplishing recovery of a species, and recovery may be achieved without all criteria being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and the species is robust enough to delist. In other cases, recovery opportunities may be discovered that were not known when the recovery plan was finalized. These opportunities may be used instead of methods identified in the recovery plan. Likewise, information on the species may be learned that was not known at the time the recovery plan was finalized. The new information may change the extent that criteria need to be met for recognizing recovery of the species. Recovery of a species is a dynamic process requiring adaptive management that may, or may not, fully follow the guidance provided in a recovery plan.

The Johnston's Frankenia Recovery Plan was approved by the Service on May 24, 1988 (Service 1988). In the case of Johnston's frankenia, the overarching goal of the final recovery plan was to remove the need for protection under the Act by managing the species and its habitat in a way that would ensure the continued existence of self-sustaining populations. Objective, measurable, and adequate recovery criteria that would provide a reference point for down-listing or delisting were not established in the recovery plan. The plan's author concluded that the lack of available biological and life-history information

for Johnston's frankenia precluded development of recovery criteria at that time and indicated that implementation of studies outlined in the plan would provide the necessary information to develop recovery criteria (Service 1988, p. 14). Although the recovery plan did not contain recovery criteria, it was used extensively to guide the conservation efforts that have been taken for Johnston's frankenia.

The recovery plan's implementation schedule identified a list of actions that were needed to reduce and remove threats and move the species toward recovery. These actions included (1) maintaining the present populations through landowner agreements and habitat management; (2) providing permanent Service or conservation group protection for at least one population; (3) identifying essential habitat and searching for additional populations; (4) conducting field and greenhouse studies of the life history and ecology of the species to determine habitat requirements, vegetative physiognomy and community structure, and population biology; (5) applying data from studies to develop management recommendations; (6) monitoring populations; and (7) carrying out a campaign to develop public awareness, appreciation, and support for preservation of the species.

The listing of Johnston's frankenia and implementation of actions in the recovery plan generated increased inventory and research activities for the species throughout its known range. Among the primary conservation actions undertaken for the species was a 6-year (1993–1999) project by the TPWD to intensively survey for additional populations, conduct field and greenhouse studies to characterize the habitat requirements and life history of the species, develop a landowner outreach program to increase awareness of this unique plant, develop a voluntary conservation agreement for landowners, and coordinate with agricultural technical assistance providers to transfer knowledge regarding best management for conservation of this species (Janssen 1999, entire). Subsequent to 2000, additional botanical surveys in Starr, Webb, and Zapata Counties in Texas included Johnston's frankenia as a target species, and conservation agreements were also signed as part of this recovery effort (Price *et al.* 2006, p. 10 in Attachment B, pp. 1–5 in Attachment C).

The extensive survey efforts mentioned above led to population discoveries that have expanded the known range of the species as well as significantly increasing the number of known populations, some with large numbers of individual plants. Studies of the species' biology and ecology increased knowledge of the life-history requirements of this species, lessening the degree of perceived threat associated with low reproductive potential and the competition from nonnative grasses. Information gathered from these studies has enhanced our understanding of this species' capability to survive, and even to recolonize, in the specialized habitat in which it grows. Habitat losses from large-scale clearing of native vegetation and planting to pasture grasses have diminished in scope as private landowners have diversified their income-generating activities to include increased hunting opportunities, which depend on keeping more acreage in native brush habitat. Also, education and outreach efforts targeted to landowners have helped to elucidate the economic disadvantage of trying to plant pasture grasses on the hypersaline (elevated salt levels) soils inhabited by Johnston's frankenia.

Because Johnston's frankenia occurs mostly on privately owned land, the recovery plan identified protection of at least one population on land controlled by the Service or a conservation group as a needed action. Now the species is known to occur on one tract of the Refuge where it is protected. Also, portions of two other populations extend onto land controlled by the USIBWC, which has indicated willingness to recognize the species as sensitive following delisting, allowing for prescribed avoidance of impacts to the species. Portions of two populations on private lands also extend onto TxDOT right-of-way in Zapata County, one along Highway 83 and the other along Highway 469. Signs have been erected to protect the plants from mowing at the Highway 83 right-of-way site.

Recovery actions have resulted in a reduction in the magnitude of threats due to: (1) A significant increase in the number of documented populations, (2) a major expansion of the known range for the species, (3) a population estimate of more than a million plants, (4) the its ability to successfully outcompete nonnative grasses in the specialized habitat it occupies indicating the species is more resilient than previously thought, and (5) improved management practices as a result of outreach activities to, and cooperative agreements with, landowners.

In summary, the implementation of the majority of actions in the recovery plan produced the information that led the Service to conclude not only that the species is more widespread and abundant than was known when it was listed, but also that the magnitude of the threats facing this species are not as severe as they were believed to be at the time of listing and are better managed for many populations now.

Summary of Factors Affecting the Species

Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for listing species, reclassifying species, or removing species from listed status. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or human made factors affecting its continued existence. We must consider these same five factors in delisting a species. We may delist a species according to 50 CFR 424.11(d) if the best available scientific and commercial data indicate that the species is neither endangered nor threatened for the following reasons: (1) The species is extinct; (2) the species has recovered and is no longer endangered or threatened (as is the case with the Johnston's frankenia); and (3) the original scientific data used at the time the species was classified were in error.

A recovered species is one that no longer meets the Act's definition of threatened or endangered. Determining whether a species is recovered requires consideration of the same five categories of threats specified in section 4(a)(1) of the Act. For species that are already listed as threatened or endangered, this analysis of threats is an evaluation of both the threats currently facing the species and the threats that are reasonably likely to affect the species in the foreseeable future following the delisting or downlisting and the removal or reduction of the Act's protections.

A species is ''endangered'' for purposes of the Act if it is in danger of extinction throughout all or a ''significant portion of its range'' and is ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a ''significant portion of its range.'' The word ''range'' in the significant portion of its range phrase refers to the range in which the species currently exists. For the

purposes of this analysis, we will evaluate whether the currently listed species, the Johnston's frankenia, should be considered threatened or endangered. Then we will consider whether there are any portions of Johnston's frankenia range in danger of extinction or likely to become endangered within the foreseeable future.

At the time of listing, we considered Johnston's frankenia to be vulnerable to extinction due to the following: (1) Threats to the integrity of the species' habitat such as clearing, then planting of nonnative grasses to improve pasture; (2) direct loss from construction associated with highways, residential development, and oil- and natural gas-related activities; (3) the low number and restricted distribution of populations; (4) low numbers of individual plants; and (5) the species' low reproductive potential. The following analysis examines all five factors currently affecting, or that are likely to affect, the Johnston's frankenia within the foreseeable future.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Habitat Modification

Agricultural Land Management Practices—At the time of listing in 1984, all known populations were found on rangeland that was considered in poor condition. We thought this species was vulnerable due to suspected low reproductive rates, and that the populations could be adversely impacted by any habitat change brought about by (1) land and vegetation manipulation such as chaining or plowing, and (2) converting pastureland to buffelgrass. Initial concerns regarding the practice of woody brush eradication on private lands having the potential to adversely affect Johnston's frankenia populations has been alleviated by a shift in land use practices. Fluctuating cattle markets and frequent droughts in the area have provided an impetus for south Texas ranchers to diversify their sources of income, and as a result, many ranchers have shown increased interest in retaining native brush habitat to enhance wildlife habitat and hunting opportunities (Ibarra 2001, pers. comm.). Johnston's frankenia has also shown the ability to regenerate and recolonize areas that were formerly root-plowed pastures (Janssen 1999, pp. 23, 72, 78, 83, 96–97, 104; Price *et al.* 2006, p. 4 in Attachment C). These areas were root plowed 6, 10, or 15 years in the past, and regrowth was observed in eight populations. Due to the shift in land management practices and the ability of Johnston's frankenia to successfully regenerate in disturbed areas, we no longer consider these land management practices to be a threat to the species.

As early as the 1930's, ranchers were converting their rangeland to buffelgrass due to increasing concern with drought. Buffelgrass is drought-resistant and was brought in to improve grazing on ranches where soils had been extensively cleared and root-plowed. Initial concerns regarding Johnston's frankenia vulnerability to competition from nonnative, invasive grass species planted for grazing have been lessened by the results of research on this species' life history requirements (Janssen 1999, pp. 161–172). Ecological research shows that long-term replacement of Johnston's frankenia by buffelgrass (*Pennisetum ciliare*), or other improved range grass species, is unlikely due to the hypersaline soils underlying Johnston's frankenia populations. Janssen (1999, pp. 161–164) reported that these hypersaline conditions where Johnston's frankenia populations exist differed drastically from those used by buffelgrass or other range grass species. Buffelgrass does not tolerate highly saline soils and does not appear to be a threat to the continued existence of Johnston's frankenia (Janssen 1999, pp. 161–166, 222).

To address conservation concerns associated with agricultural land management practices, during 1995 and 1996, the TPWD conducted an extensive endangered and rare species education and outreach campaign in Starr, Webb, and Zapata Counties that included activities such as landowner meetings, coordination with the NRCS, county fair exhibits, development of printed information, and school presentations. This campaign promoted conservation of Johnston's frankenia, in part by sharing the results of Janssen's field studies on the ecology and biology of this species. In October 2000, a presentation was made to NRCS District Conservationists from Starr, Webb, and Zapata Counties to emphasize their agency's role in helping landowners identify and avoid impacts to Johnston's frankenia population sites, especially in light of the lack of success converting the land cover on these hyper-saline sites to pastures of buffelgrass. In 2001 and 2007, the NRCS District Conservationists for Starr, Webb, and Zapata Counties reiterated that their approach to promoting conservation of this species is to educate landowners about the presence of Johnston's frankenia on their land and to encourage landowners to leave the Johnston's frankenia community intact, avoiding clearing of this unique brush assemblage (Ibarra 2001, pers. comm.; Saenz 2007, pers. comm.).

In summary, according to the Natural Resources Conservation Service (NRCS) in Starr and Zapata Counties, the level of threat to Johnston's frankenia communities from agricultural land-conversion activities has diminished due to depressed economic conditions in cattle ranching and increased economic benefits from wildlife-related recreation that leads to less clearing of native brush (Ibarra 2001, pers. comm.; Saenz 2007, pers. comm.). Though the voluntary conservation agreements are beneficial, the primary reasons that the Service is proposing to delist Johnston's frankenia are the significant increase in the number of documented populations, a major expansion of the known range for the species, and a population estimate of more than 4 million plants, combined with the reduction in threats such as land conversion to grazing pastures. These larger numbers and more expansive range coupled with the lack of overall threats is the basis for delisting.

Industry Activities—At the time of listing, direct loss from construction activities associated with oil- and natural gas-related development was considered a threat. Oil and gas exploration and production activities had accelerated throughout the region due to the passage of the North American Free Trade Agreement (Shelley and Pulich 2000, p. 4). The Service was able to more closely document the Johnston's frankenia population locations in relation to these threats posed by oil and gas development using a GIS approach. The threats associated with oil and gas development on ranches consist primarily of road, pipeline, and well-pad construction, and their impacts are largely contained within the footprint of the actual construction. Janssen (2012, pers. comm.) did botanical surveys on three ranches and for several pipeline companies during 2011 and found all Johnston's frankenia populations were stable despite the extreme drought that summer. Janssen also indicated that visits were made over the last several years to many of the known populations and all were still intact. A Zapata County landowner also relayed that new plants were found during 2011 on the individual's land, and a Starr County landowner offered that the populations on the landowner's land were stable (Janssen 2012, pers. comm.). We also have documented Johnston's frankenia recovery after disturbance (Janssen 1999, pp. 23, 72, 78, 83, 96–97, 104;

Price *et al.* 2006, p. 4 in Attachment C). All of these survey reports indicate stable populations of Johnston's frankenia despite some level of oil and gas activity.

The threats to Johnston's frankenia populations from oil and gas development have also been minimized due to lack of exposure. The Service used a GIS-based analysis of the distribution of Johnston's frankenia populations in relation to locations of existing and proposed roads associated with industrial development (Shelley and Pulich 2000, p. 11) to pinpoint the U.S. populations most likely to be threatened within the next 20 years as well as those populations furthest removed from these types of threats. Based on the populations identified in the 1999 report, the results of this analysis showed that 15 of the intermediate-sized and largest populations, containing approximately 4 million plants (77 percent of documented plants), remain in remote locations on rangeland, where threats from industrial construction activities are diminished. Thirteen of the smallest (fewer than 2,000 individuals) Johnston's frankenia populations, containing approximately 5,300 plants (0.1 percent), also occur on remote rangeland, removed from roads associated with industrial and residential construction threats. The populations discovered in 2004 and 2007, containing approximately 4,400 plants (0.09 percent of total known Texas plants) are on isolated rangeland as well, removed from the threat of industrial and residential development in the foreseeable future (Price *et al.* 2006, pp. 2–6 in Attachment C; Janssen 2007, pers. comm.).

To address conservation concerns associated with industrial activities, voluntary agreements were developed. The TPWD voluntary landowner conservation agreements proved effective in avoiding oil- and natural gas-related activity impacts on four ranches in Zapata County. Each landowner requested a Johnston's frankenia survey, which led to the gas company surveying a much larger (50-square-mile (80.5-sq-km)) area prior to initiating any work. In addition, mitigation measures were included on all projects, which included flagging any Johnston's frankenia sites, walking seismic lines instead of driving, and the presence of an onsite monitor to protect populations (Shelley and Pulich 2000, p. 9; Janssen 2006, pers. comm.; Janssen 2010, pers. comm.). As of December 2011, Janssen (2012, pers. comm.) worked with The Nature Conservancy to get three ranch landowner conservation agreements signed and to ensure installation of gate signs and ''stay on the road'' signs to protect Johnston's frankenia populations. One energy company became aware of the existence of these agreements through leasing negotiations with a signatory landowner who requested Johnston's frankenia surveys prior to seismic exploration.

In summary, the threats to Johnston's frankenia populations from oil and gas development have been minimized due to lack of exposure to these activities, and voluntary conservation agreements provide an additional layer of confidence for the future status of the species.

Residential Development—At the time of listing, direct loss from construction activities associated with residential development was considered a threat. Human population growth in Starr, Webb, and Zapata Counties has more than doubled since 1970 and is projected to double or triple again by 2030 (Shelly and Pulich 2000, p. 5). Human population growth leads to an increase not just in home building, but the roads and other infrastructure such as powerlines, cell towers, and other facilities necessary to support the residential development. All of these residential-related activities have the potential to modify or destroy Johnston's frankenia habitat.

Residential development has not been uniformly distributed across the three counties; instead, people are concentrating residential development in a few geographic areas, with the highest level of growth in and around the City of Laredo in Webb County. Major areas of growth follow the primary transportation corridors including Interstate 35 and Highway 83, and along the Rio Grande River downstream of the Falcon Reservoir (Shelley and Pulich 2000, p. 5). According to Shelley and Pulich (2000, p. 5), relatively few people are living far from the cities and highways.

The Service used a GIS-based analysis of the distribution of Johnston's frankenia populations in relation to locations of existing and proposed highways associated with residential development (Shelley and Pulich 2000, p. 11). The GIS modeling results provide data confirming that residential development impacts such as road and home construction would be minimal since the majority of Johnston's frankenia populations are found on isolated rangeland (see *Industry Activities* above). As stated prior, most of the known populations are located in remote areas and are deemed to be safe from development pressures (Janssen 1999, pp. 12–160; Shelley and Pulich 2000, p. 10; Price *et al.* 2006, p. 9 in Attachment B and pp. 2–3 and 6). We have no information to indicate there has been a change in the concentration of human population growth since these studies.

If the current trend in population growth holds, this growth is unlikely to impact the majority of Johnston's frankenia populations that are distant from centers of residential development or transportation corridors. Also, the high salinity of the soils supporting Johnston's frankenia, in conjunction with the arid climate of the area, results in highly erodible soils, which are not desired by most real estate developers (Shelley and Pulich 2000, p. 8). Existing Johnston's frankenia populations that are distant from current development are likely to continue to thrive in their unique environment (Shelley and Pulich 2000, pp. 8, 11).

Public lands on which Johnston's frankenia occurs include Refuge and USIBWC-controlled lands including Falcon Reservoir, and sites on two TxDOT right-of-ways. All three sites (and possibly a fourth where landownership is unknown) on Federal land are small populations, and TxDOT right-of-way sites have a combined total of only 536 individual plants.

The Lower Rio Grande Valley National Wildlife Refuge ensures the continued protection of this species where it extends onto their tract by regular monitoring of the previously mapped and known populations (Best 2004, pers. comm.; Castillo 2007, pers. comm.). The National Wildlife Refuge System Improvement Act of 1997 (Pub. L. 105–57) (Refuge Improvement Act) establishes a conservation mission for Refuges. The Refuge Improvement Act requires all refuges to have an approved Comprehensive Conservation Plan. The Comprehensive Conservation Plan for the Lower Rio Grande Valley National Wildlife Refuge lists specific management objectives for threatened and endangered plants. The Refuge has indicated that they will continue to implement these actions following delisting (Castillo 2007, pers. comm.). In part, these management objectives include the following actions: (1) Monitor populations of threatened and endangered floral and faunal species on Refuge tracts and throughout the area of ecological concern, (2) implement recovery objectives identified in recovery plans, and (3) in conjunction with the various lead offices, determine threatened and endangered species needs on the Refuge and develop strategies to provide for such needs. These strategies include habitat enhancement and restoration, support

for research and recovery actions, and propagation and reintroduction into appropriate sites.

For the portions of two populations that extend on to lands managed by the USIBWC, they have agreed to continue protection of the species after delisting by designating this plant as a sensitive species (Borunda 2004, pers. comm.; Anaya 2013, pers. comm.). The USIBWC has indicated that it will recommend avoidance of impacts to Johnston's frankenia when coordinating with entities seeking access for projects on this land (Echlin 2004, pers. comm.; Anaya 2013, pers. comm.). This designation will allow consideration for these populations during project review by a number of Federal agencies, including the Service, as USIBWC requires licenses or permits for any proposed activities that cross or encroach upon the floodplains within their jurisdiction (USIBWC 2000, p. 2). The USIBWC has indicated that its agency does not carry out active management activities around Falcon Reservoir, such as mowing or clearing, on the land where Johnston's frankenia occurs, although any future flooding that refills the reservoir could conceivably impact the populations if the water level rises significantly above current levels (Echlin 2004, pers. comm.). Even though USIBWC has agreed to continue protection of these two portions of Johnston's frankenia populations, which we anticipate will continue into the foreseeable future, we are not placing undue reliance on the conservation of these areas. Considering the known occurrence of 68 widely distributed populations that number into the millions of plants, we find that the potential loss of any portion of these two populations would be insignificant to the species as a whole.

Portions of two Johnston's frankenia populations, one consisting of 36 plants and the other estimated to contain around 500 plants, exist on TxDOT right-of-ways with the remainder of both populations extending onto neighboring private ranches. The TxDOT manages for rare plants in right-of-ways under a Memorandum of Understanding with TPWD. Stipulations include outlining the perimeter of the population with reflector stakes, restrictive signage, and no mowing, blading, or herbicides within delineated areas (TXDOT 2001, entire). As long as Johnston's frankenia remains on the Texas Conservation Action Plan's Species of Greatest Conservation Need list, it will continue to be covered (Poole 2013, pers. comm.).

In a further effort to promote conservation of populations occurring on private land, TPWD initiated a voluntary conservation agreement program in 1995 to protect Johnston's frankenia from mechanical and chemical habitat alteration and overstocking of cattle. The conservation agreements included recommendations for land management practices that would avoid root plowing, bulldozing, disking, roller chopping, and herbicide applications in Johnston's frankenia sites, as well as using stocking rates appropriate to acreage and rainfall. The agreements also allowed TPWD staff, with prior landowner contact, to enter the property at least once per year to survey and monitor each population site for the 10-year life of the agreement and to compile this information in a report. The agreements included provisions for landowners to contact TPWD whenever damage accidentally occurs or is anticipated so that TPWD could inspect Johnston's frankenia populations and make recommendations for avoidance or recovery. The agreements also provided for TPWD to act as the landowner's liaison to the Service on any occasion in which concerns regarding this species were raised. The TPWD has agreed to work closely with the FWS to implement the post-delisting monitoring plan (Anaya 2013, pers. comm.).

In summary, while voluntary conservation agreements are not considered essential for the survival of this species, they provide additional confidence for its long-term security and the threats to Johnston's frankenia populations from residential development have been minimized due to lack of exposure to such development.

Climate Change and Drought

Beyond documenting new populations, climate change was not analyzed in the 2003 proposal to delist. In our 2011 proposed rule, we outlined the state of our knowledge on climate change (IPCC 2007, pp. 5, 8, 12, 13, and 15; Seager *et al.* 2007, p. 1181). There is unequivocal evidence that the earth's climate is warming based on observations of increases in average global air and ocean temperatures, widespread melting of glaciers and polar ice caps, and rising sea levels, with abundant evidence supporting predicted changes in temperature and precipitation in the southwestern deserts (IPCC 2014, entire). It is very likely that over the past 50 years, cold days, cold nights, and frost have become less frequent over most land areas, and hot days and hot nights have become more frequent (IPCC 2007, p. 8). Each of the last three decades has been successively warmer at the Earth's surface than any preceding decade since 1850 (IPCC 2014, p. 2). Further, the period from 1983 to 2012 was likely the warmest 30-year period of the last 1,400 years in the Northern Hemisphere (IPCC 2014, p. 2).

As part of the current, worldwide collaboration in climate modelling under the IPCC, climate assessments of the full dataset of 30 climate models for historical and 21st century comparisons provide predictions at scales ranging from global to county level in the U.S. (USGS National Climate Change Viewer 2015; *http://www.usgs.gov/climate_landuse/clu_rd/nccv/viewer.asp*). This global climate information has been recently downscaled by NASA to scales relevant to our region of interest, and projected into the future under two different scenarios of possible emissions of greenhouse gases (Alder and Hostetler 2013, p. 2). From this dataset, annual mean maximum temperature, precipitation, and evaporative deficit were analyzed in relation to the Johnston's frankenia.

At the state level for Texas as a whole, these models depict a temperature increase into the future in both mean maximum and minimum temperatures annually. Between 1950–2005 and 2025–2049, the mean model prediction (of 30 models) in annual maximum temperature is an increase of 3.2–3.6 °F (from the 1950–2005 average of 77.7 °F to 81.0–81.3 °F between 2025–2049) under 2 different scenarios for Texas. The lesser value of a 3.2 °F change is dependent on lower greenhouse gas emissions, while the greater value of a 3.6 °F change represents a higher greenhouse gas emission scenario into the future. At this time, we lack the ability to predict which scenario will be more accurate; hence both scenarios are analyzed to create the predicted range of change. Further time frames, from 1950–2005 to 2050–2074, and then from 1950–2005 to 2075–2099, predict an increase of an average of 4.3–6.1 °F and 5.0–9.0 °F, respectively, in annual mean maximum temperatures (USGS National Climate Change Viewer 2015; *http://www.usgs.gov/climate_landuse/clu_rd/nccv/viewer.asp*).

Higher resolution information for annual mean maximum temperature at the county level for Starr, Webb, and Zapata counties reveals similar trends (Table 1). For example, for Webb County, which is the largest of the counties and farthest to the north, the annual mean maximum temperature from 1950–2005 at 84.4 °F will increase by 3.1 to 3.4 °F, to 87.4 to 87.8 °F, by the 2025–2049 time period; by 2050–2074, there will be a change by 4.1 to 5.9 °F, to 88.5 to 90.3 °F average annual maximum temperature. Between 1950–

2005 and 2075–2099, the average annual maximum temperature is predicted to rise by 4.7 to 8.6 °F, to 89.1 to 93.0 °F, depending on which of the two scenarios plays out.

Annual Mean Maximum Temperature (°F)—Each new time frame is compared to the original temperature averaged during the 1950–2005 period, bolded.

	1950–2005	Change in °F	2025–2049	Change in °F	2050–2074	Change in °F	2075–2099
Scenario:	STARR COUNTY						
1	**85.3**	3.1	88.3	4.0	89.2	4.5	89.8
2	**85.3**	3.4	88.7	5.8	91.0	8.3	93.6
	WEBB COUNTY						
1	**84.4**	3.1	87.4	4.1	88.5	4.7	89.1
2	**84.4**	3.4	87.8	5.9	90.3	8.6	93.0
	ZAPATA COUNTY						
1	**85.5**	3.1	88.5	4.0	89.4	4.5	90.0
2	**85.5**	3.4	88.9	5.8	91.3	8.5	94.0

Table 1. Annual mean maximum temperature changes from years 1950–2005, 2025–2049, 2050–2074, and 2075–2099 under two emissions scenarios. Each average represents compiled data from 30 climate models, downscaled to the county level.

At the state level, precipitation changes for Texas are expected to be minimal yet still in a predicted decreasing trend. Model means indicate an average change in mean precipitation from 1950–2005 to 2025–2049 to be 0.0 to -0.4 to inches/day $\times$ 100, (from 7.5 to $7.1-7.5$ inches/day $\times$ 100) followed by the same predictions from 2050–2074, and then all models settle on a solid -0.4 inches/day $\times$ 100 loss into the 2075–2099 time frame, indicating a slight loss in precipitation. This loss of precipitation may be enhanced by the predicted increase in the annual mean evaporative deficit, which will lead to drier overall conditions. The evaporative deficit annual mean rate for Texas from 1950–2005 was 1.4 inches/month for both scenarios. This deficit grows to 1.8 inches/month in the 2025–2049 predictions, and to $1.9-2.2$ inches/month in the 2050–2074 range, followed by an increased evaporative deficit into 2075–2099 of $2.0-2.6$ inches/month.

At the county level, the annual mean precipitation appears to have no change for Webb County from the 1950–2005 to the 2075–2099 time period; however, both Starr and Zapata Counties indicate a similar slight decrease in precipitation by -0.4 inches/day $\times$ 100 over the same time period (Table 2).

Annual Mean Precipitation (inches/day $\times$ 100)—Each new time frame is compared to the original temperature averaged during the 1950–2005 period, bolded.

	1950–2005	Change (in/day $\times$ 100)	2025–2049	Change (in/day $\times$ 100)	2050–2074	Change (in/day $\times$ 100)	2075–2099
Scenario:	STARR COUNTY						
1	**5.5**	−0.4	5.1	−0.4	5.1	−0.4	5.1
2	**5.5**	−0.4	5.1	−0.4	5.1	−0.4	5.1
	WEBB COUNTY						
1	**5.5**	0.0	5.5	0.0	5.5	0.0	5.5
2	**5.5**	0.0	5.5	0.0	5.5	0.0	5.5
	ZAPATA COUNTY						
1	**5.5**	−0.4	5.1	−0.4	5.1	−0.4	5.1
2	**5.5**	−0.4	5.1	−0.4	5.1	−0.4	5.1

Table 2. Annual mean precipitation predictions from years 1950–2005, 2025–2049, 2050–2074, and 2075–2099 under two emissions scenarios. Each average represents compiled data from 30 climate models, downscaled to the county level.

Data depicting annual mean evaporative deficit was calculated using the same set of 30 models and two scenarios, and was simulated using the temperature and precipitation models at the county level for Starr, Webb, and Zapata Counties (Alder and Hostetler, 2013, p. 10). As seen in Table 3, an increase in water lost to evaporative processes is expected for all three counties. Webb County has the lowest level of current water deficit (at 2.3 inches/month lost to evaporation and plant transpiration), and has the least pronounced increase in water deficit of the three counties into the future. Starr and Zapata Counties currently have a higher water deficit (at 2.5 inches/month of water lost), yet Zapata County shows the most pronounced future predicted water deficit of the three counties (Table 3). Monthly averages of evaporative deficit are predicted to show enhanced peaks in the warmer months from current levels, starting in May and ranging through August, with a steadily growing peak in July through the range of time frames. This indicates that the evaporative deficit will become more extreme in the warmer months, especially in July, compared to rates occurring today.

Annual Mean Water Deficit (inches/month)—Each new time frame is compared to the original temperature

averaged during the 1950–2005 period, bolded.

	1950–2005	Change (in/mo)	2025–2049	Change (in/mo)	2050–2074	Change (in/mo)	2075–2099
Scenario:	STARR COUNTY						
1	**2.5**	0.5	3.0	0.6	3.1	0.7	3.2
2	**2.5**	0.5	3.0	1.0	3.5	1.4	3.9
	WEBB COUNTY						
1	**2.3**	0.5	2.8	0.6	2.9	0.8	3.1
2	**2.3**	0.6	2.9	1.0	3.3	1.5	3.8
	ZAPATA COUNTY						
1	**2.5**	0.6	3.1	0.7	3.2	0.8	3.3
2	**2.5**	0.6	3.1	1.0	3.5	1.5	4.0

Table 3. Annual mean water deficit predictions from years 1950–2005, 2025–2049, 2050–2074, and 2075–2099 under two emissions scenarios. Each average represents compiled data from 30 climate models, downscaled to the county level.

A fourth climate variable available at a county level is annual mean runoff, measured in inches/month. Although the overall runoff amount over the year will likely remain the same throughout the time periods of the climate models, reflecting a similar amount per month, future time series predictions show runoff occurring in more extreme events than those experienced during the 1950–2005 period (USGS National Climate Change Viewer 2015; *http://www.usgs.gov/climate_landuse/clu_rd/nccv/viewer.asp*). Monthly averages of runoff for the three future time periods indicate a slight increase in runoff inches/month during September, which could correlate to more heavy rainfall events occurring over briefer time periods, at least within September.

Collectively, climate information for the counties of Starr, Webb, and Zapata in south western Texas predicts future patterns of increasing temperatures, somewhat stable precipitation, and increasing evaporative deficits into the future, at a gradual rate. This suggests a gradual trend toward hotter, drier conditions for the Johnston's frankenia. The interaction of these climate variables with other local topographic, edaphic, and microclimate conditions, as well as local ecological interactions, leads to a complexity of possible outcomes for the future status of Johnston's. For instance, localized evaporative loss will be dependent on soil type, chemistry, content of organic matter, root depth, and overall vegetative cover, among other factors. As Johnston's frankenia is known to live in washes, being in this type of location could buffer impacts of water loss from increased temperatures and increased evapo-transpiration due to greater shading and access to moisture. Moreover, if rainfall events become more intense, the hydrological flow into drainages and washes could either benefit Johnston's frankenia or lead to increased gully erosion and potentially scour out individual Johnston's frankenia plants. Therefore, it is difficult to predict how climate will impact this species throughout its range into the future.

Nevertheless, we believe that increasing global temperatures and drought conditions will likely have little impact on Johnston's frankenia because this species is well adapted to the warm, arid landscape of south Texas. Despite the drought of 2011, and because this species is drought-deciduous (leaves sprout after small rain events), Johnston's frankenia populations remained stable (Janssen 2012, pers. comm.). In addition, we suggest that climate change may actually benefit Johnston's frankenia by making the landscape more arid, thus reducing competition with other less physiologically adapted plants. However, we continue to lack specific evidence as to how climate change will directly or indirectly affect this species.

Summary of Factor A: Intensive survey efforts by TPWD in south Texas have shown Johnston's frankenia to be much more widespread and abundant than was known at the time of listing or when the recovery plan was prepared. The occurrence of sizable populations in areas relatively isolated from industrial activities and residential development, the large numbers of individual plants and widely dispersed populations, the diminished threat of pasture clearing and nonnative grass planting, less emphasis on livestock grazing, and the species' ability to recover from some level of ground disturbance, has ameliorated concerns regarding the threats to the species' habitat. Habitat modifications will continue to occur (agricultural land management practices, industry activities, and residential development), but the resulting impacts will be to a smaller number of individual plants rather than entire populations, and these threats will not occur throughout the entire range of the species. In summary, habitat modification is no longer a threat to the species, nor is this factor likely to become one within the foreseeable future. The significant increase in Johnston's frankenia abundance makes it more resilient, and its widened distribution makes it better represented throughout its range, minimizing the impacts from any one, or combination of, the above described threats. The specific effects of climate change and drought on Johnston's frankenia remain uncertain; however, it seems that the plant is well adapted to arid conditions. Therefore, climate change does not appear to be a threat to this species. In addition, conservation measures and the voluntary conservation agreements are beneficial to the species; however, they are not necessary for the long-term survival of this species.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Johnston's frankenia is not a highly collected or sought after species. There is no evidence to indicate that this species is currently or will be collected for any commercial, recreational, scientific, or educational purpose.

Summary of Factor B: We conclude that overutilization is not a current or foreseeable threat to the species.

C. Disease or Predation

In the original 1984 listing rule, all the known populations were located in heavily grazed rangelands (Turner 1980, entire). Detrimental effects referred to in the recovery plan (Service 1988, pp. 12–13) were browsing of tender, new growth that might contribute to lowered reproductive success, direct trampling of young plants or seedlings, and soil compaction, which may negatively affect germination. Janssen observed that the population showing the most harmful effects of grazing was one where the fenced area was inadequate to support the number of cattle being stocked and the animals were not receiving any type of supplemental feed (Janssen and Williamson 1993, p. 8; Janssen, 1999, p. 9). Observations of cottontail rabbits and jackrabbits nibbling on Johnston's frankenia indicate a likelihood that other mammals will also browse on this plant (Janssen 2001, pers. comm.). Janssen (1999, p. 9) did not entirely agree that grazing was heavy across the entire range or that it was a major threat as mentioned in the recovery plan (Service 1988, pp. 11–13) based on Turner's (1980, p. 6) observations. Based on Janssen's 6 years of field observations, she felt there was little difference in the appearance of Johnston's frankenia populations between ranches with and without cattle, and because the majority of the populations were remote and dispersed enough to minimize concentrated grazing impacts, Janssen concluded that grazing should not be considered a direct threat (Janssen 1999, p. 9).

There is no evidence to indicate that Johnston's frankenia is threatened by any disease. Therefore, we conclude that disease is not a current or foreseeable threat to the species.

Summary of Factor C: The final listing rule included some evidence to indicate that this species was threatened by cattle grazing. We acknowledge that the anecdotal observations that Johnston's frankenia does not appear to differ on grazed or ungrazed rangelands does not necessarily mean there are no effects to Johnston's frankenia; however, to date there has been no substantial evidence to the contrary. Though the final listing rule included some evidence of detrimental effects due to cattle grazing and other browsers on plant growth, no data suggest that populations are threatened, and the majority of populations are remote and dispersed enough to minimize concentrated grazing impacts. We have also found that the species has a much broader distribution than originally thought as well as a substantial increase in the number of populations. Because we have no data to suggest that either grazing or other browsing threatens any of the populations, we find that predation is not a threat to the species as a whole. In summary, grazing is no longer considered a threat to the species, nor is it likely to become one within the foreseeable future.

D. The Inadequacy of Existing Regulatory Mechanisms

Prior to the species' listing in 1984, no Federal or State laws protected Johnston's frankenia (49 FR 31418, August 7, 1984), and its known distribution was limited to Starr and Zapata Counties. As previously described, implementation of specific recovery actions and surveys have resulted in and documented many more individuals, sites, and populations than were previously known. In addition, the majority of these populations are located on private land. Endangered plants do not receive a high degree of protection on private property under the Act. If the landowner is not using Federal funding or does not require any type of Federal permit or authorization, listed plants may be removed at any time unless prohibited by State law. Under Chapter 88 of the Texas Parks and Wildlife Code, any Texas plant that is placed on the Federal list as endangered is also required to be listed by the State as endangered. The State prohibits taking and possession of listed plants for commercial sale, or sale of all or any part of an endangered, threatened, or protected plant from public lands.

The Service anticipates Texas removing Johnston's frankenia from its State list of endangered species as a result of the Federal delisting. State law, similar to the Act, primarily provides protection on public lands, and Johnston's frankenia primarily occurs on private land and is, therefore, by and large, not protected by State law. Therefore, the State delisting is not expected to result in a significant change in its protective status.

Summary of Factor D: Johnston's frankenia was not, and is not presently, threatened by inadequate regulatory mechanisms. The level of regulatory protection provided to this plant will not differ significantly following delisting because the majority of the populations are on private land. Therefore, we find that the level of regulatory protection provided to this plant will not change significantly following delisting. In addition, since there are no threats under the other factors from which the species needs to be protected, no additional regulatory mechanisms are needed.

E. Other Natural or Human-Made Factors Affecting Its Continued Existence

Biological Characteristics

In the original 1984 listing rule, certain inherent biological characteristics, including small numbers of individuals, restricted distribution, and low reproductive potential, were thought to affect the continued existence of Johnston's frankenia. The recovery plan for Johnston's frankenia referred to the approximately 1,000 plants known at the time of listing and their occurrence in small populations with none greater than a few hundred plants, implying a small gene pool with limited variability and, therefore, a diminished capacity for tolerating stresses and threats (Service 1988, p. 11). However, the recovery plan also indicated that scattered populations, disjunct distributions, and low reproductive capacity are commonly seen in the genus *Frankenia* (Whalen 1980, pp. 54–193).

Data were collected on reproductive characteristics from six large populations in Starr, Webb, and Zapata Counties (Janssen 1999, pp. 177–212). Results of field observations showed that this species flowers throughout the year, but less abundantly in winter, with the highest numbers of flowers and fruit in spring and early summer. The percentage of seed set among populations that Janssen studied ranged 15–30 percent. Turner (1980, p. 6) observed seed set at less than 50 percent for Johnston's frankenia. Using seed viability tests, Janssen (1999, p. 182) found 31 percent of the seeds were viable. Results of soil seed bank analysis from three populations over 1 year yielded the germination of only four total seedlings (Janssen 1999, pp. 177–212). All attempts at germination in a greenhouse ended in failure, which was attributed to insufficient light conditions within the greenhouse (Janssen and Williamson 1996, p. 182; Janssen 1999, p. 182). Poole noted that seedlings are rarely seen (Service 1988, p. 12). Seedling recruitment studies monitoring 2 populations over 2 years documented 32 of 39 seedlings (82 percent) surviving in 1 population and 17 of 18 (94 percent) surviving in the other (Janssen 1999, pp. 203–204). With respect to these factors, Johnston's frankenia has low fruit-to-flower ratio, low seed set, and low seed viability. Janssen (1999, pp. 208–212) acknowledged that her results regarding these factors might reflect decreased

vigor in the limited number of populations on which she was able to conduct reproductive studies.

The seeds are small in size, may remain for the most part in the above-ground litter, and probably could not emerge if buried deep. The seed's thin coat is suited for absorbing water rapidly and germinating. This may be the reason that, despite low seed set and viability, those seeds that do germinate have a high rate of recruitment (82 and 85 percent in the two populations studied). The fruit does not appear to be specialized for dispersal, and seedlings are always found in close proximity to the parent. Timing of germination and seedling size are critical in determining the fate of seedlings. The variation in timing of germination and seedling survival seen in Johnston's frankenia may be tied to rainfall amounts. Seedling loss seems to be primarily a result of browsing, trampling, and lack of precipitation Janssen 1999, p. 212).

The results of Janssen and Williamson's (1996, pp. 13–16) reproductive analysis of Johnston's frankenia showed this species to be a generalist with respect to pollinators. A large variety of diurnal (daytime) pollinators visited Johnston's frankenia flowers including flies, bees, and butterflies, with bee flies and bees being the most common. Plant species, like Johnston's frankenia, that have the capacity to attract multiple pollinators, reduce the risk of population declines due to the disappearance of one pollinator. The high rate of floral visitation to Johnston's frankenia by these insects shows the plant to be competing successfully for pollinators (Janssen 1999, pp. 197–198, 208). Although Johnston's frankenia is readily cross-pollinated, this species also has a floral morphology that allows self-pollination, and self-compatibility is indicated (Janssen and Williamson 1996, pp. 13–16; Janssen 1999, pp. 194–196, 208). Janssen (1999, pp. 208–209) concluded that ''although self-pollination can result in less genetic variability, it may not be so detrimental for plants that occupy narrow ecological habitats.''

In summary, though studies to address the question of low reproductive potential were conducted on a limited number of populations, research results indicated low fruit-to-flower ratio, low seed set, low seed viability, nonpersistent seed bank, and small and thin-walled seeds. Combined, these biological traits would suggest low reproductive potential for Johnston's frankenia despite having multiple pollinators.

Summary of Factor E: In the original listing rule, threats to Johnston's frankenia, as discussed in Factor E, focused on the species' inherent biological characteristics, including small population numbers, restricted distribution, and low reproductive potential, that might restrict the gene pool of the species and diminish the species' capability to deal with stress and other threats. Although the reproductive characteristics of Johnston's frankenia may contribute to a reproductive potential that is relatively lower than many flowering plant species (yet common to all *Frankenia* spp.), this plant readily cross-pollinates and has the capability to self-fertilize. This plant also hosts a variety of pollinators, reducing its dependence on the survival of any single pollinator species. There does not appear to be any reason for the gene pool to be more restricted now than it was in the past. In addition, with regard to low numbers and restricted distribution, we now know that the species is much more prevalent and widely distributed than originally thought, with close to 4 million more plants found over 2,031 sq mi (5,260 sq km). Therefore, we conclude that low reproductive potential, while appearing to be a biological characteristic of Johnston's frankenia, is no longer considered a threat to this species now or in the foreseeable future.

Determination

At the time of the Johnston's frankenia listing in 1984, the Service knew of only two counties in Texas (Starr and Zapata) and one locality in Mexico where this plant occurred. Approximately 1,000 plants in 5 populations were known to exist in a 35-mi (56-km) radius area in Texas, and several hundred plants in Mexico. We concluded that there were relatively small populations occurring in highly specialized habitats on rocky gypseous hillsides or saline flats. All known populations were located on privately owned lands with poor rangeland conditions. The plants were not reproducing well and showed signs of having been browsed by cattle. Given the small number of plants, their restricted distribution, land management practices that could potentially degrade or destroy habitat, the impact of grazing on the plants, and the low reproductive potential of the species, Johnston's frankenia was regarded as a species in danger of becoming extinct.

After reviewing new information on the status of Johnston's frankenia, the Service proposed to remove this plant from the List of Endangered and Threatened Plants under the Act in 2003. This plant was then known to occur in three counties in south Texas (Starr, Webb, and Zapata) and several northeastern states of Mexico (Nuevo Leon, Coahuila, and Tamaulipas). And by 2011, additional surveys found a total of more than 4 million plants in 68 populations ranging over an area of approximately 2,031 sq mi (5,260 sq km) in Texas, and 4 healthy populations in Mexico. As a result of increased recovery efforts, extensive surveys in south Texas have shown Johnston's frankenia to be much more widespread and abundant than was known at the time of listing or when the recovery plan was prepared.

By 2003, the Service indicated that, although the reproductive characteristics of Johnston's frankenia may contribute to its low reproductive potential, this plant appears to be well adapted to the arid climate and saline soils that it inhabits. The species takes advantage of sporadic rainfall events and uses the moisture to germinate quickly. It readily cross-pollinates, but also has the capability to self-fertilize. This plant is a generalist with respect to pollinators, thus reducing the danger associated with the decline of any one pollinator. And, although the reproductive characteristics of Johnston's frankenia may contribute to a reproductive potential that is relatively low, there does not appear to be any reason for the gene pool to be more restricted now than it was in the past.

At the time of the Johnston's frankenia listing in 1984, the Service summarized the threat of habitat modification in terms of agricultural practices such as grazing and use of chaining and plowing with supplemental planting of nonnative grasses for pastures. By 2003, the Service found these threats to be minimal because use of nonnative grasses did not prove to result in any competitive disadvantage to Johnston's frankenia. The species has also shown the ability to regenerate and recolonize areas that were formerly root-plowed pastures. Recent observations over a 6-year period revealed little difference in Johnston's frankenia abundance in grazed areas versus non-grazed areas. In addition, the species has a much broader distribution than originally thought, and the majority of the populations are remote and dispersed enough to minimize concentrated grazing impacts. In addition, ranchers in the area are now retaining more native brush and grass habitat to enhance wildlife hunting opportunities instead of planting nonnative species for crops.

No data were available at the time of listing with regard to the future increase in industrial activities and residential development in Johnston's frankenia habitat. In 2003, the Service addressed these potential threats in conjunction with the significant increase in populations over a much larger range, and found that sizable populations were in areas relatively isolated from industrial and residential development. The species' ability to recover from some level of ground disturbance has also minimized concerns regarding these threats. In addition, education and voluntary conservation easements are expected to continue to benefit Johnston's frankenia in the future.

In summary, we have carefully assessed the best scientific and commercial data available regarding the past, present, and future threats to Johnston's frankenia. We have found that the magnitude of habitat stressors is far reduced. Overall, we now know that this plant has multiple populations distributed widely across a much broader area than previously known, with an estimated total number of 4 million individual plants. Johnston's frankenia appears to be well adapted to its semi-arid environment, and has the ability to recover from several types of disturbance, including currently anticipated changes likely from climate change. Its range of genetic variation due to number of plants, populations, and locations will allow the species' adaptive capabilities to be conserved. Further, increased awareness and a number of voluntary conservation agreements are likely to reduce potential for new threats impacting the species. Any remaining stressors that may negatively affect individuals or populations are not expected to cumulatively affect the species as a whole. Based on the analysis above and given the lack of overall threats and the large population numbers previously described in this final rule, Johnston's frankenia does not currently meet the Act's definition of endangered, in that it is not in danger of extinction throughout all of its range, or the definition of threatened, in that it is not likely to become endangered in the foreseeable future throughout all its range.

Significant Portion of the Range Analysis

Having determined that Johnston's frankenia does not meet the definition of endangered or threatened throughout its range, we must next consider whether there are any significant portions of its range that are in danger of extinction or likely to become endangered. A portion of a species' range is significant if it is part of the current range of the species and is important to the conservation of the species as evaluated based upon its representation, resiliency, or redundancy.

If we identify any portions of a species' range that warrant further consideration, we then determine whether in fact the species is endangered or threatened in any significant portion of its range. Depending on the biology of the species, its range, and the threats it faces, it may be more efficient for the Service to address the significance question first and in others the status question first. Thus, if the Service determines that a portion of the range is not significant, the Service need not determine whether the species is endangered or threatened there. If the Service determines that the species is not endangered or threatened in a portion of its range, the Service need not determine if that portion is significant.

For Johnston's frankenia, we applied the process described above to determine whether any portions of the range warranted further consideration. As discussed above, a portion of a species' range is significant if it is part of the current range of the species and is important to the conservation of the species because it contributes meaningfully to the representation, resiliency, or redundancy of the species. The contribution must be at a level such that its loss would result in a decrease in the ability to conserve the species. While there is some variability in the habitats occupied by Johnston's frankenia across its range, the basic ecological components required for the species to complete its life cycle are present throughout the habitats occupied by the 68 populations. No specific location within the current range of the species provides a unique or biologically significant function that is not found in other portions of the range. The currently occupied range of Johnston's frankenia encompasses approximately 2,031 sq mi (5,260 sq km) in Starr, Webb, and Zapata Counties in Texas.

In conclusion, major threats to Johnston's frankenia have been reduced, managed, or eliminated. Though habitat modifications will continue to occur (agricultural land management practices, industry activities, and residential development), the resulting impacts are expected to affect a smaller number of individual plants rather than entire populations due to increased awareness and voluntary conservation efforts. Therefore, we have determined that Johnston's frankenia is not in danger of becoming extinct throughout all or a significant portion of its range nor is it likely to become endangered now or within the foreseeable future throughout all or any significant portion of its range. On the basis of this evaluation, we believe that Johnston's frankenia no longer requires the protection of the Act, and we remove Johnston's frankenia from the Federal List of Endangered and Threatened Plants (50 CFR 17.12(h)).

Effects of the Rule

This final rule will revise 50 CFR 17.12(h) to remove the Johnston's frankenia from the Federal List of Endangered and Threatened Plants. Because no critical habitat was ever designated for this species, this rule will not affect 50 CFR 17.96.

The prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, no longer apply to this species. Federal agencies are no longer required to consult with the Service under section 7 of the Act in the event that activities they authorize, fund, or carry out may affect the Johnston's frankenia.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires us, in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that have been recovered and delisted. The purpose of this requirement is to develop a program that detects the failure of any delisted species to sustain itself without the protective measures provided by the Act. If, at any time during the monitoring period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing.

Section 4(g) of the Act explicitly requires cooperation with the States in development and implementation of post-delisting monitoring programs, but we remain responsible for compliance with section 4(g) and, therefore, must remain actively engaged in all phases of post-delisting monitoring. We also seek active participation of other entities that are expected to assume responsibilities for the species' conservation after delisting.

We have finalized a Post-Delisting Monitoring Plan for Johnston's frankenia that identifies measurable management thresholds and responses for detecting and reacting to significant changes in Johnston's frankenia protected habitat, distribution, and persistence. The Post-Delisting Monitoring Plan will consist of two approaches: (1) Use remote sensing in a

subset of occupied habitat to monitor land use changes over time; and (2) conduct onsite assessments within a subset of populations to monitor plant status over a 10-year period. If declines are detected equaling or exceeding defined thresholds (Service 2013), the Service in combination with other post-delisting monitoring participants will investigate causes of these declines, including consideration of habitat changes, substantial human persecution, stochastic events, or any other significant evidence. The result of the investigation will be to determine if the Johnston's frankenia warrants expanded monitoring, additional research, additional habitat protection, or resumption of Federal protection under the Act.

The final Post-Delisting Monitoring Plan is available with this final rule at *http://www.regulations.gov*, Docket No. FWS–R2–ES–2011–0084, and on the Southwest Region's electronic library (*http://www.fws.gov/southwest/es/Library*).

Required Determinations

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with regulations pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments (59 FR 22951), E.O. 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribes will be affected by this rule.

References Cited

A complete list of all references cited in this final rule is available at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2011–0084 or upon request from the Texas Coastal Ecological Services Field Office, Corpus Christi (see **ADDRESSES**).

Author

The primary authors of this final rule are staff members of the Texas Coastal Ecological Services Field Office, Corpus Christi (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR 17

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

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

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

§ 17.12 [Amended]

■ 2. Amend § 17.12(h) by removing the entry for ''*Frankenia johnstonii*'' under ''FLOWERING PLANTS'' from the List of Endangered and Threatened Plants.

Dated: December 21, 2015.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–00158 Filed 1–11–16; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 81, No. 7
Tuesday, January 12, 2016

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 870

RIN 3206–AN21

Federal Employees' Group Life Insurance Program: Filing Deadlines for Court Review of Administrative Final Decisions

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The United States Office of Personnel Management (OPM) is issuing a proposed rule to amend the Federal Employees' Group Life Insurance (FEGLI) Program regulation to establish a timeframe for filing civil actions or claims against the United States based on 5 U.S.C. Chapter 870 (Life Insurance).

DATES: Comments are due on or before March 14, 2016.

ADDRESSES: Send written comments to Ronald Brown, Policy Analyst, Planning and Policy Analysis, U.S. Office of Personnel Management, Room 4312, 1900 E Street NW., Washington, DC 20415; or FAX to 202–606–0636. You may also submit comments, identified by Regulation Identifier Number (RIN) ''3206–AN21,'' using the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Ronald Brown, Policy Analyst at *Ronald.Brown@opm.gov* or 202–606–0004.

SUPPLEMENTARY INFORMATION: This proposed rule is intended to: (1) Establish a timeframe for filing legal action for judicial review of OPM or employing agency final action on FEGLI claims; and (2) provide a 3-year time limit for filing a court claim for review of agency or retirement system final decisions.

OPM intends to amend the FEGLI Program regulation to provide a timeframe for individuals seeking judicial Current OPM regulations provide a 31-day time limit for administrative review under FEGLI but do not state a time limit for seeking judicial review of FEGLI decisions. Accordingly, OPM has specified a 3-year time limit for filing a claim for court review of FEGLI decisions.

OPM is granted the authority in 5 U.S.C. 8716 to prescribe regulations to carry out the FEGLI Program. Thus, we propose to amend the FEGLI regulation to add section 5 CFR 870.106 concerning court review of final administrative life insurance decisions. The proposed rule also reinforces that individuals must first exhaust administrative appeal rights before seeking judicial review.

Regulatory Impact Analysis

OPM has examined the impact of this proposed rule as required by Executive Order 12866 and Executive Order 13563, which directs 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). A regulatory impact analysis must be prepared for major rules with economically significant effects of $100 million or more in any one year. This rule is not considered a major rule because there will be a minimal impact on costs to Federal agencies.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only affects life insurance benefits of Federal employees and retirees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

List of Subjects in 5 CFR Part 870

Administrative practice and procedure, Government employees, Hostages, Iraq, Kuwait, Lebanon, Life insurance, Retirement.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

Accordingly, OPM is proposing to amend 5 CFR part 870 as follows:

PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

■ 1. The authority citation for 5 CFR part 870 continues to read as follows:

Authority: 5 U.S.C. 8716; Subpart J also issued under section 599C of Public Law 101–513, 104 Stat. 2064, as amended; Sec. 870.302(a)(3)(ii) also issued under section 153 of Public Law 104–134, 110 Stat. 1321; Sec. 870.302(a)(3) also issued under sections 11202(f), 11232(e), and 11246(b) and (c) of Public Law 105–33, 111Stat. 251, and section 7(e) of Public Law 105–274, 112 Stat. 2419; Sec. 870.302(a)(3) also issued under section 145 of Public Law 106–522, 114 Stat. 2472; Secs. 870.302(b)(8), 870.601(a), and 870.602(b) also issued under Public Law 110–279, 122 Stat. 2604; Subpart E also issued under 5 U.S.C. 8702(c); Sec. 870.601(d)(3) also issued under 5 U.S.C. 8706(d); Sec. 870.703(e)(1) also issued under section 502 of Public Law 110–177, 121 Stat. 2542; Sec. 870.705 also issued under 5 U.S.C. 8714b(c) and 8714c(c); Public Law 104–106, 110 Stat. 521.

Subpart A—Administration and General Provisions

■ 2. Add § 870.106 to Subpart A to read as follows:

§ 870.106 Court review.

(a) A suit to review the legality of an agency or retirement system final decision on FEGLI eligibility must be filed in the district courts of the United States or the United States Court of Federal Claims.

(b) A suit to review the legality of an agency or retirement system final decision on change of coverage, designation of beneficiary, or assignment of life insurance, must be filed in the district courts of the United States or United States Court of Federal Claims.

(c) An action under paragraph (a) or (b) of this section:

(1) May not be brought prior to exhaustion of the administrative remedies provided in Sec. 870.105 of this part; and

(2) May not be brought later than December 31 of the 3rd year after the agency or retirement system final decision to the insured individual.

(3) Exception: This time limit may be extended by 31 calendar days after December 31 of the 3rd year (60 calendar days if overseas) of the date of the final decision to the insured if the individual shows that he or she was not notified of the time limit and was not otherwise aware of it or that he or she was unable, due to reasons beyond his or her control, to make the request within the time limit.

(d) This section does not change the rules found in this chapter regarding FEGLI coverage or premium payments for an employee while in nonpay status.

(e) If a claimant thinks that he or she is due money from FEGLI benefits and that legal action is necessary to get the money, the claimant must take action in Federal court against the company that OPM contracts with to adjudicate claims, not against OPM.

[FR Doc. 2016–00453 Filed 1–11–16; 8:45 am]

BILLING CODE 6325–63–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR part 457

[Docket No. FCIC–15–0002]

RIN 0563–AC48

Common Crop Insurance Regulations; Texas Citrus Fruit Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Common Crop Insurance Regulations, Texas Citrus Fruit Crop Insurance Provisions. The intended effect of this action is to provide policy changes to better meet the needs of policyholders, to clarify existing policy provisions, and to reduce vulnerability to program fraud, waste, and abuse. Specifically, this proposed rule intends to modify or clarify certain definitions, clarify unit establishment, clarify substantive provisions for consistency with terminology changes, modify the insured causes of loss, clarify required timing for loss notices, modify portions of loss calculation formulas, and address potential misinterpretations or ambiguity related to these issues. The proposed changes will be effective for the 2018 and succeeding crop years.

DATES: FCIC will accept written comments on this proposed rule until close of business March 14, 2016. FCIC will consider these comments when FCIC finalizes this rule.

ADDRESSES: FCIC prefers that interested persons submit comments electronically through the Federal eRulemaking Portal. Interested persons may submit comments, identified by Docket ID No. FCIC–15–0002, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov*, including any personal information provided. Once these comments are posted to this Web site, the public can access all comments at its convenience from this Web site. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests use of a text-based format. If interested persons wish to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the RMA Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Interested persons may review the complete User Notice and Privacy Notice for Regulations.gov at *http://www.regulations.gov/#!privacyNotice.*

FOR FURTHER INFORMATION CONTACT: Tim Hoffmann, Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not-significant for the purposes of Executive Order 12866 and, therefore, it has not been reviewed by the OMB.

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, subchapter I), the collections of information in this rule have been approved by OMB under control number 0563–0053.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

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

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact

on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have a significant impact on a substantial number of small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. § 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 2 CFR part 415, subpart C.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC proposes to amend the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.119 Texas Citrus Fruit Crop Insurance Provisions, to be effective for the 2018 and succeeding crop years. Changes are intended to improve the insurance coverage offered, address program integrity issues, simplify program administration, and improve clarity of the policy provisions. Specifically, this proposed rule intends to modify or clarify certain definitions, clarify unit establishment, clarify substantive provisions for consistency with terminology changes, modify the insured causes of loss, clarify required timing for loss notices, modify portions of loss calculation formulas, and address potential misinterpretations or ambiguity related to these issues.

Some of the proposed changes result from the United States Department of Agriculture (USDA) Acreage Crop Reporting Streamlining Initiative (ACRSI), which has an objective of using common standardized data and terminology to consolidate and simplify reporting requirements for producers. Specifically, ACRSI is an initiative to reengineer the procedures, processes, and standards to simplify commodity, acreage, and production reporting by producers, eliminate or minimize duplication of information collection by multiple agencies, and reduce the burden on producers, allowing the producers to report this information through FSA county office service centers, insurance agents or through precision agriculture technology capabilities. USDA has made a concerted effort to standardize terms across USDA agencies as much as possible to allow the sharing of data, thereby reducing the burden on producers in reporting their information. Many of the changes proposed in this rule are a part of that effort. For example, as part of ACRSI, FCIC is proposing to change the term ''crop'' to ''citrus fruit commodity'' and to rename the ''citrus fruit commodities'' to be consistent with the crop names used by other USDA agencies. FCIC has been working with other USDA agencies to agree on appropriate terminology for crop reporting. These terms are part of a Commodity Validation Table that is updated as these terms are agreed upon. This change will help facilitate information sharing among agencies, a step that is necessary to achieve an ACRSI goal of relieving producers of the burden of reporting the same information multiple times to different USDA agencies. The addition of the term ''citrus fruit group'' is intended to negate the impact of changes to ''citrus fruit commodity'' names on coverage levels, unit structure, and administrative fees. The ''citrus fruit groups'' for each ''citrus fruit commodity'' will be listed in the Special Provisions. The ''citrus fruit groups'' will be the basis for determining coverage levels and identifying the insured crop. These proposed changes are not expected to change the current basis by which coverage levels are selected, basic units are established, and administrative fees are assessed.

For consistency with ACRSI objectives, FCIC proposes to expand the category of ''type'' in the actuarial documents to include four subcategories named ''commodity type,'' ''class,'' ''subclass,'' and ''intended use.'' FCIC is also planning to expand the category of ''practice'' in the actuarial documents to include four subcategories named ''cropping practice,'' ''organic practice,'' ''irrigation practice,'' and ''interval.'' Proposed changes to the Texas Citrus Fruit Crop Insurance Provisions, such as replacing references to the term ''type'' with the term ''commodity type'' will provide a method for this transition.

The proposed changes are as follows:

1. FCIC proposes to remove the paragraph immediately preceding section 1, which refers to the order of priority if a conflict exists among the policy provisions. This same provision is contained in the Basic Provisions. Therefore, the appearance here is duplicative and should be removed from the Texas Citrus Fruit Crop Insurance Provisions.

FCIC proposes to remove all references to section titles of the Basic Provisions used in the Texas Citrus Fruit Crop Insurance Provisions, while retaining the section numbers. The section titles are not necessary to reference the section and removing these titles will prevent FCIC from having to revise the Crop Provisions should these section titles change in the Basic Provisions. This information proposed to be removed is currently contained in parenthesis following references to section numbers of the Basic Provisions throughout the Texas Citrus Fruit Crop Insurance Provisions.

2. Section 1 (''Definitions'')—FCIC proposes to remove the definition of ''crop'' and replace it with a definition of ''citrus fruit commodity'' because the actuarial documents refer to commodities rather than crops. FCIC proposes to replace the term ''crop''

with the term ''insured crop'' where appropriate throughout the Crop Provisions. The insured crop will be based on the ''citrus fruit group'' in accordance with the proposed revisions to section 7. FCIC proposes to include the ''citrus fruit commodity'' names in the definition to enable the insured to more easily determine the citrus fruit commodities that are insurable under the Texas Citrus Fruit Crop Insurance Provisions. The new ''citrus fruit commodity'' names will combine several current ''crops'' into a single ''citrus fruit commodity.'' For example, the current crops ''Early & Midseason Oranges'' and ''Late Oranges'' will become insurable types under the new ''citrus fruit commodity'' of ''oranges.'' FCIC proposes this change because of ACRSI. FCIC has been working with other USDA agencies to agree on appropriate terminology for crop reporting. These terms are part of a Commodity Validation Table that is updated as these terms are agreed upon. This proposed change in terminology does not change the varieties of citrus that are insurable.

FCIC proposes to add the definition of ''citrus fruit group.'' The term ''citrus fruit group'' refers to a method of grouping combinations of commodity types and intended uses within the citrus fruit commodity through the Special Provisions for the purposes of electing coverage levels and determining the insured crop, which is the basis for establishing basic units, guarantees, and assessing administrative fees. FCIC proposes this change because of ACRSI. Because producers will be reporting using the terminology contained in the Commodity Validation Table, FCIC has changed the commodity names to match this agreed upon terminology. However, the citrus fruit group concept is being implemented to prevent changes to how the crop can be insured. For example, this change will allow producers who report Valencia oranges with an intended use of juice and Navel oranges with an intended use of fresh to continue to insure these as separate crops even though they will both be categorized for reporting under the commodity of oranges.

FCIC proposes to add the definition of ''commodity type'' because this is a new category that will be added to the actuarial documents for citrus fruit commodities for the 2018 crop year. Commodity type will initially be displayed in the actuarial documents as a subcategory of type. The expected combinations of commodity types and intended uses will be grouped into citrus fruit groups as shown in the table below.

Citrus fruit commodity	Commodity type	Intended use	Citrus fruit group
Grapefruit	Rio Red & Star Ruby	Fresh	A.
Grapefruit	Rio Red & Star Ruby	Juice	A.
Grapefruit	Ruby Red	Fresh	B.
Grapefruit	Ruby Red	Juice	B.
Grapefruit	All Other	Fresh	C.
Grapefruit	All Other	Juice	C.
Oranges	Early & Midseason	Fresh	D.
Oranges	Early & Midseason	Juice	D.
Oranges	Late	Fresh	E.
Oranges	Late	Juice	E.

FCIC proposes to revise the definition of ''excess wind'' by: Specifying the equivalent wind speed in knots; clarifying wind speed reporting at U.S. National Weather Service (NWS) reporting stations; and adding a clause to allow additional acceptable wind reporting stations to be identified in the Special Provisions. FCIC proposes these changes to provide clarity and add flexibility to use other weather reporting stations if additional data points are needed in the future.

FCIC proposes to add a definition of ''intended use.'' Currently, insureds can select between the two types of fresh and juice. For the 2018 crop year, the type category in the actuarial documents will be expanded to include subcategories for ''commodity type,'' ''class,'' ''subclass,'' and ''intended use.'' Insureds will continue to be able to select types for fresh and juice, but the intended use will be specified in both the type category and the new intended use category. This change only affects how they types are presented in the actuarial documents and will not affect available coverage or reporting requirements. The proposed definition is consistent with the definition contained in the Florida Citrus Fruit Crop Insurance Provisions.

FCIC proposes to revise the definition of ''interplanted'' to specify that the Crop Provisions definition is used in lieu of the Basic Provisions definition. In the revised definition, FCIC proposes to change the term ''crop'' to ''agricultural commodity.'' Agricultural commodity is currently defined in the Basic Provisions as any crop or other commodity produced, regardless of whether or not it is insurable. As stated previously, FCIC is changing the term ''crop'' to ''insured crop'' as appropriate throughout the Crop Provisions. However, for the definition of interplanted acreage, changing ''crop'' to ''insured crop'' would change the meaning of the provision by preventing interplanted from applying to insurable crops interplanted with agricultural commodities not insured under the Texas Citrus Fruit Crop Provisions. Therefore, FCIC proposes to change the term ''crop'' to ''agricultural commodity'' in the definition of interplanted acreage. This proposed change will allow ''interplanted'' to apply to acreage in which an insured crop is interplanted with another insured crop or uninsured agricultural commodity, regardless of whether or not the additional insured crop or uninsured agricultural commodity is insurable under the Texas Citrus Fruit Crop Insurance Provisions or any other Crop Provisions.

FCIC proposes to remove the definition of ''local market price.'' FCIC proposes to remove this definition because FCIC proposes to remove the only reference to local market price in the Texas Citrus Fruit Crop Provisions, contained in paragraph 12(e).

FCIC proposes to revise the definition of ''production guarantee (per acre)'' to clarify that the Crop Provisions definition is used in lieu of the Basic Provisions definition. The Basic Provisions contains a different definition of ''production guarantee (per acre)'' and the Crop Provisions definition has already replaced that definition, but this additional language confirms that interpretation. FCIC also proposes to clarify this ''production guarantee (per acre)'' definition in the Crop Provisions by specifying that requirements of section 3(e) determine the yield used for calculating the production guarantee.

FCIC proposes to remove the definition of ''varieties'' because all references to the term are proposed for removal and replacement with the term ''commodity type'' in the Crop Provisions.

3. Section 2 (''Unit Division'')—FCIC proposes to revise paragraph 2(a) to state that basic units will be established for each insured crop in accordance with section 1 of the Basic Provisions. The definition of basic unit in section 1 of the Basic Provisions states that basic units include all insurable acreage of the insured crop in the county on the date coverage begins for the crop year: (1) In which you have 100 percent crop share; or (2) which is owned by one person and operated by another person on a share basis. Separate basic units will be established for each citrus fruit group because FCIC proposes to treat each citrus fruit group as a separate insured crop. For example, under the new citrus fruit commodity of oranges, all early and midseason oranges will be further classified under one citrus fruit group and all late oranges will be further classified under another citrus fruit group. These designations mean all of the insured's early and midseason orange acreage can be insured as one basic unit and all of the insured late orange acreage can be insured as a separate basic unit. This proposed change in terminology will allow insureds to keep their current unit structure under the new classification system.

FCIC proposes to revise paragraph 2(c) to state that optional units may be established by either of the following options, but not both options: (1) In accordance with Section 34(c) of the Basic Provisions, except as provided in section 2(b) of these Crop Provisions; or (2) non-contiguous land. FCIC proposes this revision to clarify that the insured has a choice of optional units as allowed by the Basic Provisions (except irrigated or non-irrigated practices) or by non-contiguous land. As currently worded, the provision could be misinterpreted to mean that optional units as allowed in the Basic Provisions are not allowed under the Texas Citrus Fruit Crop Insurance Provisions. In addition, the official Code of Federal Regulations publication appears to have inadvertently omitted the following language from the existing version that appeared in the applicable **Federal Register** Notice establishing this language: The words ''. . . optional units may be established if each . . .'' should have previously appeared immediately following the word ''number,'' and immediately before the provision ending phrase, ''. . . optional unit is located on non-contiguous land.'' See 62 FR 65,130, 65,169 (Dec. 10, 1997). This omission by the official Code of Federal Regulations could contribute to this potential misinterpretation that FCIC proposes to correct.

4. Section 3 (''Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities'')—FCIC proposes to revise paragraph 3(a) by adding language to allow the insured to continue selecting separate coverage levels and price elections by insured crop (*i.e.*, citrus fruit group) under the new definitions. For example, under the new designation of citrus fruit commodity oranges, all early and midseason oranges will be further classified together as one citrus fruit group which requires the insured to select the same coverage level and percent of price election for all fruit insured under this citrus fruit group. Under the new designation of citrus fruit commodity oranges, late oranges will be further classified under a separate citrus fruit group, which will allow the insured to continue selection of a different coverage level and percent of price election than selected for its early and midseason orange acreage. These terminology revisions will allow the insured to continue electing coverage levels and price elections on the same basis as they currently elect coverage levels and price elections, while continuing to further ACRSI goals. FCIC also proposes to update the example in paragraph 3(a) for consistency with these proposed changes.

FCIC proposes to revise paragraph 3(b) by removing the instructions for calculating the production guarantee per acre from paragraphs 3(b)(1) and 3(b)(2). FCIC proposes this change because the same information is already contained in the definition of ''production guarantee (per acre).'' Removing these instructions from 3(b)(1) and 3(b)(2) will prevent perceived conflict between these provisions and that definition because the information contained in paragraphs 3(b)(1) and 3(b)(2) for calculating the production guarantee was intended as duplicative, yet is stated differently than the information contained in the definition of ''production guarantee (per acre).'' FCIC also proposes to revise paragraph 3(b) to state that the production guarantee is progressive and increases from the first stage to the second stage guarantee. FCIC also proposes to remove the term ''final,'' and leave only the term ''second,'' in paragraph 3(b)(2). Both final stage and second stage have the same meaning in the Texas Citrus Fruit Crop Insurance Provisions because there are only two stages and the terms are used interchangeably. Therefore, FCIC proposes to remove the term ''final'' to prevent potential confusion if the terms ''second'' and ''final'' are erroneously perceived to have different meanings.

FCIC proposes to revise paragraph 3(d) by removing the term ''type'' and replacing the term ''type'' with the phrase ''commodity type and intended use.'' This change will provide consistency with the terminology revisions implemented to further ACRSI goals. FCIC proposes to revise paragraphs 3(d)(4) and 3(d)(4)(i) by removing references to ''perennial crop'' and ''crop'' and replacing these terms with the term ''agricultural commodity.'' This change will provide consistency with the proposed changes to the definition of ''interplanted.'' The proposed change will allow the term ''interplanted'' to apply to acreage in which an insured crop under these Crop Provisions (*e.g.*, citrus fruit group) is interplanted with another insured crop or uninsured agricultural commodity, regardless of whether or not the other agricultural commodity is insurable under the Texas Citrus Fruit Crop Insurance Provisions or any other Crop Provisions.

FCIC proposes to designate the undesignated paragraph following paragraph 3(d)(4)(iii) as paragraph 3(e) and redesignate paragraphs 3(e) and 3(f) as paragraphs 3(f) and 3(g). FCIC proposes to revise newly designated paragraph 3(e) to specify the yield adjustment timing and method used, if circumstances occur that may reduce the yield potential, based on when the circumstance occurred. The current provision states that the Approved Insurance Provider will reduce the yield used to establish the production guarantee, but does not explicitly provide additional explanation for timing and method of certain specific circumstances. The proposed paragraph 3(e)(1) addresses circumstances that occurred before the beginning of the insurance period and requires reduction of the yield used to establish the production guarantee for the current crop year regardless of whether the circumstance was due to an insured or uninsured cause of loss and requires the Insured to report these circumstances that occurred prior to the insurance period no later than the production reporting date. The proposed paragraph 3(e)(2) addresses circumstances that occurred after the beginning of the insurance period and the insured notifies the Approved Insurance Provider of these circumstances by the production reporting date. The

proposed paragraph 3(e)(2) will require the yield used to establish the production guarantee to be reduced for the current crop year only if the potential reduction in the yield used to establish the production guarantee is due to an uninsured cause of loss. The proposed paragraph 3(e)(3) addresses circumstances that may reduce the yield that occurred after the beginning of the insurance period and the insured fails to notify the Approved Insurance Provider of these circumstances by the production reporting date. The proposed paragraph 3(e)(3) requires an amount equal to the reduction in the yield to be added to the production to count calculated in paragraph 12(c) of these Crop Provisions due to uninsured causes. Additionally, the proposed paragraph 3(e)(3) requires reduction of the yield used to establish the production guarantee for the subsequent crop year to reflect any reduction in the productive capacity of the trees or the yield potential of the insured acreage. These provisions are similar to provisions that FCIC has recently added to other perennial crop policies, such as the Arizona-California Citrus Crop Insurance Provisions. Adding these provisions is intended to remove potential ambiguity regarding the consequences when circumstances occur that will reduce the yield potential and to promote consistency with administration of similar policies such as the Arizona-California Citrus Crop Insurance Provisions.

FCIC proposes to revise newly designated paragraph 3(g) by removing the reference to ''one-year lag period.'' The phrase is not necessary to describe when production must be reported. Therefore, FCIC proposes to delete this reference to prevent confusion regarding production reporting. FCIC also proposes to update the example in this paragraph with contemporary dates. This proposed change is intended to prevent the policy from appearing outdated. FCIC also proposes to revise the sentence structure of this provision to provide clarity and consistency with similar provisions in these Crop Provisions that are used in lieu of the Basic Provisions.

5. Section 7 (''Insured Crop'')—FCIC proposes to redesignate the introductory paragraph of section 7 as paragraph (a) and redesignate paragraphs 7(a) through 7(f) as 7(a)(1) through 7(a)(6). FCIC proposes to revise the newly designated paragraph (a) by revising language to designate the insured crop as each ''citrus fruit group'' the insured elects to insure. This change in section 7 is necessary to prevent changes to assessment of administrative fees because of revisions to commodity names. This change will also allow the insured to continue to elect to insure some citrus acreage and not insure other citrus acreage on the same basis as is currently allowed.

FCIC proposes to revise the newly designated paragraph 7(a)(2) to clarify that the insured crop must be grown on trees adapted to the area. The current provision states the acreage must be adapted to the area. However, the trees on which the insured crop is grown must be adapted to the area.

FCIC proposes to revise the newly designated paragraph 7(a)(3) by removing the term ''are'' and adding the term ''is'' in its place. FCIC proposes this change to maintain verb usage consistent with the language in newly redesignated paragraph 7(a).

FCIC proposes to add a new paragraph 7(b) to clarify assessment of administrative fees. FCIC has received requests to clarify how administrative fees are assessed in the Crop Provisions. Because each citrus fruit group will be designated as a separate insured crop, each citrus fruit group will be assessed a separate administrative fee in accordance with section 7 of the Basic Provisions and section 6 of the Catastrophic Risk Protection Endorsement.

6. Section 8 (''Insurable Acreage'')—FCIC proposes to revise section 8 by adding the words ''fruit group'' immediately following the word ''citrus'' and removing references to the term ''crop'' and replacing them with the term ''agricultural commodity,'' except FCIC will replace the first instance of ''crop'' appearing in section 8 with ''insured crop.'' These changes will provide consistency with the proposed changes to the definition of ''interplanted.'' FCIC also proposes to add language to clarify interplanted acreage is not insurable unless a citrus fruit group is interplanted with another perennial agricultural commodity.

7. Section 10 (''Causes of Loss'')—FCIC proposes to add provisions in paragraph 10(a) that allow insects and disease as insurable causes of loss unless excluded or otherwise restricted through the Special Provisions, provided production losses are not due to damage resulting from insufficient or improper application of control measures recommended by agricultural experts. FCIC proposes to remove the provisions in paragraph 10(b)(1) that only provide coverage against damage or loss of production due to insects and disease if an insurable cause of loss prevents the proper application of control measures, causes properly applied control measures to be ineffective, or causes disease or insect infestation for which no effective control mechanism is available. For Texas citrus fruit, the language contained in paragraph 10(b)(1) requires a determination that can be difficult to make with regard to whether an underlying cause of loss prevented the proper application of control measures, caused properly applied control measures to be ineffective, or caused a disease or insect infestation for which no effective control mechanism is available. The proposed change removes this language and provides more comprehensive coverage for citrus growers. This proposed change is similar to changes FCIC has made to other perennial APH policies, such as the Arizona-California Citrus Crop Insurance Provisions, as they have been revised.

The proposed language provides FCIC with greater flexibility to exclude or restrict coverage through the Special Provisions. This greater flexibility is intended to protect program integrity and insured interests by allowing FCIC to exclude or restrict coverage for certain diseases for which limited controls or mitigation practices are available. For example, FCIC plans to exclude citrus greening (*Huanglongbing*) from coverage through the Special Provisions. However, FCIC seeks input from interested persons regarding exclusion of coverage for this disease through the Special Provisions.

Citrus greening is a deadly bacterial disease that can infect nearly all citrus species (Chung, K–R., and R. H. Brlansky. ''Citrus diseases exotic to Florida: Huanglongbing (citrus greening).'' (2009).). The bacteria disrupts the vascular system of the trees and eventually leads to tree death (Jagoueix, Sandrine, Joseph Marie Bové, and Monique Garnier. ''PCR detection of the two <<Candidatus>> *liberobacter* species associated with greening disease of citrus.'' *Molecular and cellular probes* 10.1 (1996): 43–50.). Currently, no known adequate cure exists for citrus greening (Kobori, Youichi, et al. ''Dispersal of adult Asian citrus psyllid, *Diaphorina citri Kuwayama* (*Homoptera: Psyllidae*), the vector of citrus greening disease, in artificial release experiments.'' *Applied entomology and zoology* 46.1 (2011): 27–30.). Trees infected with citrus greening exhibit symptoms that include blotchy yellow leaves and misshapen, poorly developed green fruit with aborted seeds and bitter taste (Graca, JV da. ''Citrus greening disease.'' *Annual Review of Phytopathology* 29.1 (1991): 109–136.). However, identification of the disease can be difficult because

symptoms resemble nutrient deficiencies (Li, Wenbin, John S. Hartung, and Laurene Levy. ''Quantitative real-time PCR for detection and identification of *Candidatus Liberibacter* species associated with citrus huanglongbing.'' *Journal of microbiological methods* 66.1 (2006): 104–115.).

Citrus greening is vectored by the Asian citrus psyllid (*Diaphorina citri*) (French, J. V., C. J. Kahlke, and J. V. Da Graça. ''First record of the Asian citrus psylla, *Diaphorina citri Kuwayama* (*Homoptera: Psyllidae*) in Texas.'' *Subtropical Plant Science* 53 (2001): 14–15.). There are pesticides available that, if applied correctly, can help minimize the spread of the disease by controlling the psyllid (Grafton-Cardwell, Elizabeth E., Lukasz L. Stelinski, and Philip A. Stansly. ''Biology and management of Asian citrus psyllid, vector of the huanglongbing pathogens.'' *Annual review of entomology* 58 (2013): 413–432.). Properly applied pesticides may be the best current option growers have to help minimize the spread of the disease. However, even if pesticides are applied properly and infected trees are removed from commercial orchards, there are other factors that make control and eradication of the disease problematic. Disease control is complicated by delay of disease symptom appearance in infected trees (Stokstad, Erik. ''Dread citrus disease turns up in California, Texas.'' *Science* 336.6079 (2012): 283–284.). Therefore, a tree may be infected and the disease may spread to other trees before disease presence is identified. Disease eradication can be challenging due to adjacent or nearby abandoned or improperly managed groves, and yard trees in residential areas (Tiwari, Siddharth, et al. ''Incidence of *Candidatus Liberibacter asiaticus* infection in abandoned citrus occurring in proximity to commercially managed groves.'' *Journal of economic entomology* 103.6 (2010): 1972–1978.). Trees in these areas can serve as reservoirs for the disease inoculum. Although the Asian citrus psyllid can only fly relatively short distances, it can be carried greater distances by wind (Hall, D. G., and M. G. Hentz. ''Seasonal flight activity by the Asian citrus psyllid in east central Florida.'' *Entomologia experimentalis et applicata* 139.1 (2011): 75–85.). Therefore, extreme wind events such as hurricanes and tornados may also exacerbate the spread of citrus greening.

Citrus greening was first discovered in Florida in August 2015 and since spread to nearly all counties in Florida with citrus (Brlansky, R. H., et al. ''2006 Florida citrus pest management guide: Huanglongbing (citrus greening).'' UF/IFAS Extension (2012).). The Asian citrus psyllid was first detected in Texas in 2001 (French, J. V., C. J. Kahlke, and J. V. Da Graça. ''First record of the Asian citrus psylla, *Diaphorina citri Kuwayama* (*Homoptera: Psyllidae*) in Texas.'' *Subtropical Plant Science* 53 (2001): 14–15.). The presence of the psyllid in Texas has resulted in quarantines restricting movement of citrus plant material and citrus nursery stock. Citrus greening research is currently occurring, including 2014 Farm Bill funding which authorized approximately $125 million of the USDA Specialty Crop Research Initiative toward citrus health research over the next five years. USDA Farm Service Agency (FSA) does currently provide assistance to cover the replacement and establishment of infected trees through its Tree Assistance Program.

The current Texas Citrus Fruit Crop Insurance Provisions may appear to provide some level of protection against production loss from citrus greening, but the current policy is unlikely to allow loss payment for citrus greening. The current policy language requires linkage of production loss from insects and disease to another underlying covered cause of loss. For example, a hurricane may occur that could prevent or otherwise negatively impact control measures by spreading the disease to outbreak levels. However, it is unlikely that citrus greening would trigger an indemnity under this scenario because citrus greening symptom latency is unlikely to satisfy the policy provision in section 9 of the Crop Provisions allowing an indemnity payment only for losses occurring within the insurance period. Therefore, if a hurricane spreads the disease into a grove and symptoms do not appear until the next crop year, the current policy would not cover production loss because the insured cause of loss (*i.e.,* hurricane) that prevented or impacted control measures occurred outside the insurance period in which production loss occurred.

Specifically, under circumstances that prevented the proper application of control measures or caused properly applied control measures to be ineffective, it is unlikely that losses in a given year would exceed the deductible under the current policy due to slow disease progression. For example, if excess precipitation prevented or rendered ineffective proper pesticide application, the production loss from trees infected by this event are unlikely to exceed the deductible for the current crop year, even if the highest coverage level was selected. In addition, even if events happened in successive years, the Crop Provisions also authorize underwriting controls that require acreage adjustment when trees are removed or the guarantee to be reduced for existing damage. These underwriting controls would likely prevent or reduce losses due to citrus greening from exceeding the deductible in most situations. Although it may be possible, under some circumstances, that indemnities due to citrus greening could be triggered, the current policy provides subjective or little assurance of protection against citrus greening for the reasons stated above.

When changes to the Texas Citrus Fruit Crop Provisions are finalized, FCIC intends to conduct a full rate review to examine the impact of all policy changes combined with past loss experience, which could increase or decrease premium rates. However, if the proposed language covered citrus greening, FCIC would likely have to increase premium rates to account for this risk, with additional rate increases possible based on loss experience to maintain actuarial soundness under section 506(n)(2) (7 U.S.C. 1506(n)(2)) of the Federal Crop Insurance Act (FCIA or the Act). The benefit of the coverage may not be perceived by growers to be worth the additional premium cost because underwriting controls necessary to protect program integrity are unlikely to allow citrus greening indemnities in most scenarios. Consequently, allowing such coverage may require Approved Insurance Providers to explain underwriting controls precluding indemnity payment when the insured believed it had coverage against citrus greening. In addition, if citrus greening indemnities became widespread and underwriting controls were insufficient to limit indemnities, premium rates could increase rapidly. Texas citrus producers have expressed concern to FCIC about citrus greening coverage contributing to increasing premium rates. FCIC plans to exclude citrus greening as an insurable cause of loss through the Special Provisions to protect program integrity and prevent adverse impacts on the crop insurance delivery system for Texas citrus fruit policies.

7. Section 11 (''Duties in the Event of Damage or Loss'')—FCIC proposes to revise section 11 by adding a new paragraph (a), designating the introductory paragraph as (b), and redesignating paragraphs (a) and (b) as (b)(1) and (b)(2) respectively. FCIC proposes the new paragraph (a) to clarify that, in accordance with section 14 of the Basic Provisions, the insured

must leave representative samples for appraisal purposes. The Basic Provisions stipulate representative samples must be left if required by the Crop Provisions or the Special Provisions. Representative samples are necessary to appraise damaged production for indemnity claim purposes. FCIC also proposes new paragraph (a) will state that in lieu of the requirements of section 14(c)(3) of the Basic Provisions, the Approved Insurance Provider will determine which trees must remain unharvested so that the Approved Insurance Provider may inspect these trees in accordance with FCIC procedures. Section 14(c)(3) of the Basic Provisions states that unless otherwise specified in the Crop Provisions or Special Provisions, the samples of the crop in each field in the unit must be 10 feet wide and extend the entire length of the rows, if the crop is planted in rows, or if the crop is not planted in rows, the longest dimension of the field. These requirements in the Basic Provisions are not appropriate for crops insured under these Crop Provisions. Therefore, FCIC intends the proposed revision to allow FCIC to issue crop specific guidance for the insurance provider to use to instruct the insured on which trees must remain unharvested.

FCIC proposes to revise the newly designated paragraph 11(b)(2) to clarify that if the insured intends to claim an indemnity on any unit, the insured must notify the Approved Insurance Provider at least 15 days prior to the beginning of harvest, or within 24 hours if damage is discovered during harvest, so the Approved Insurance Provider may have an opportunity to inspect the unit. This change provides a required timeframe for reporting damage and is consistent with revisions to other perennial crop policies, such as the Arizona-California Citrus Crop Insurance Provisions.

8. Section 12 (''Settlement of Claim'')—FCIC proposes to revise paragraph 12(b) by removing the phrase ''crop, or variety if applicable'' and inserting the phrase ''combination of commodity type and intended use'' in its place. FCIC proposes this change because ''commodity type'' listed in the actuarial documents will coincide with the current crop names and the price elections for each combination of commodity type and intended use will determine insurance elections for the unit.

FCIC proposes to revise paragraph 12(d) to clarify the provision applies only to citrus fruit insured with an intended use of juice. FCIC proposes this change to clarify the applicable citrus fruit type subcategory for applying this adjustment. Fresh and juice are currently type designations in the actuarial documents. However, for the 2018 crop year for citrus fruit groups insured under the Texas Citrus Fruit Crop Insurance Provisions, FCIC plans to expand the type category in the actuarial documents to include additional subcategories such as commodity type and intended use. Fresh and juice designations will be contained in the intended use category.

FCIC proposes to revise paragraph 12(e) by removing the fresh fruit terminology and replacing it with the intended use of fresh terminology. FCIC proposes this change because the fresh fruit option will be identified in the actuarial documents under the intended use category. The fresh fruit option will be elected by reporting the intended use of fresh. Therefore, to provide consistency with terms used in actuarial documents, FCIC proposes to remove the fresh fruit terminology and replace this terminology with intended use of fresh.

FCIC also proposes to revise paragraph 12(e) by revising the calculation for adjusting production to count for fruit insured as fresh that is not marketable as fresh due to insured causes of loss. The current provision states to use the local market price for the week before damage occurred, but does not specify procedures if a local market price is not available. FCIC publishes an annual bulletin that provides prices for settling claims because local market prices are not available for a portion of the year when processing plants are idle. FCIC proposes to revise the calculation to require the number of tons of damaged citrus to be multiplied by a Fresh Fruit Factor contained in the Special Provisions. The Fresh Fruit Factor will represent the ratio of the value of damaged fruit to the value of undamaged fresh fruit. The Fresh Fruit Factor will be determined using historical prices and other available data as applicable. This proposed change will provide consistency in the loss adjustment process, prevent delays in claims, and lessen the burden on the Approved Insurance Providers and FCIC.

List of Subjects in 7 CFR Part 457

Crop insurance, Texas citrus fruit, Reporting and recordkeeping requirements.

Proposed Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 457 effective for the 2018 and succeeding crop years as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend 7 CFR 457.119 as follows:
■ a. In the introductory text by removing ''2000'' and adding ''2018'' in its place;
■ b. By removing the undesignated paragraph immediately preceding section 1;
■ c. In section 1:
■ i. By adding in alphabetical order the definitions of ''citrus fruit commodity,'' ''citrus fruit group,'' ''commodity type,'' and ''intended use'';
■ ii. By removing the definitions of ''crop,'' ''local market price,'' and ''varieties'';
■ iii. In the definition of ''crop year'' by removing the term ''citrus'' and adding the term ''insured'' in its place;
■ iv. In the definition of ''direct marketing'' by adding the term ''insured'' directly preceding the term ''crop'' in the second sentence;
■ v. In the definition of ''excess rain'' by adding the term ''insured'' directly preceding the term ''crop'';
■ vi. By revising the definitions of ''excess wind,'' ''interplanted,'' and ''production guarantee (per acre)''; and
■ d. In section 2 by revising paragraphs (a) and (c);
■ e. In section 3:
■ i. In the introductory paragraph by removing the phrase ''(Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities)'' immediately following the words ''section 3'';
■ ii. By revising paragraphs (a) and (b);
■ iii. In paragraph (d) introductory text by removing the term ''type'' and adding the phrase ''commodity type and intended use'' in its place;
■ iv. In paragraph (d)(4) by removing the phrase ''perennial crop, and anytime'' and replacing it with the phrase ''agricultural commodity and any time'';
■ v. In paragraph (d)(4)(i) by removing the phrase ''crop, and type'' and adding the phrase ''agricultural commodity and commodity type,'' in its place;
■ vi. By redesignating paragraphs (e) and (f) as (f) and (g) respectively;
■ vii. By designating the undesignated paragraph following paragraph (d)(4)(iii) as paragraph (e);
■ viii. By revising the newly designated paragraph (e);
■ ix. In the newly designated paragraph (f) add a comma following the term ''provisions'' and remove the comma following the term ''trees''; and

■ x. By revising the newly designated paragraph (g);
■ f. In section 4 by removing the phrase ''(Contract Changes)'' immediately following the words ''section 4'';
■ g. In section 5 by removing the phrase ''(Life of Policy, Cancellation, and Termination)'' immediately following the words ''section 2'';
■ h. In section 6 by removing the phrase ''(Annual Premium)'' immediately following the words ''section 7'';
■ i. In section 7 by:
■ i. Designating the undesignated introductory paragraph as paragraph (a) and redesignating paragraphs (a) through (f) as (a)(1) through (6) respectively;
■ ii. Revising the newly designated paragraph (a);
■ iii. In the newly designated paragraph (a)(2) by removing the term ''are'' and adding the phrase ''is grown on trees'' in its place;
■ iv. In the newly designated paragraph (a)(3) by removing the term ''are'' and adding the term ''is'' in its place;
■ v. Adding a new paragraph (b);
■ j. Revise section 8;
■ k. In section 9:
■ i. In paragraph (a) by removing the phrase ''(Insurance Period)'' immediately following the words ''section 11'';
■ ii. In paragraph (a)(1) by adding a hyphen between the terms ''10'' and ''day'' and by adding the term ''insured'' immediately preceding the phrase ''crop or to determine the condition of the grove.''; and
■ iii. In paragraph (b) by removing the phrase ''(Insurance Period)'' immediately following the words ''section 11'';
■ l. In section 10:
■ i. In paragraph (a) by removing the phrase ''(Causes of Loss)'' immediately following the words ''section 12'';
■ ii. In paragraph (a)(7) by removing the word ''or'';
■ iii. In paragraph (a)(8) by removing the period and adding ''; or'' in its place;
■ iv. By adding a new paragraph (a)(9); and
■ v. By revising paragraph (b);
■ m. In section 11:
■ i. By redesignating paragraph (a) as (b)(1); and
■ ii. By redesignating paragraph (b) as (b)(2) and revising the newly designated paragraph (b)(2);
■ iii. By designating the undesignated introductory paragraph as paragraph (b) introductory text;
■ iv. By adding a new paragraph (a);
■ v. In the newly designated paragraph (b) by removing the phrase ''(Duties in the Event of Damage or Loss)'' immediately following the words ''section 14'';
■ n. In section 12:
■ i. By revising paragraph (b)(1);
■ ii. In paragraph (b)(2) by removing the phrase ''crop, or variety, if applicable'' and adding the phrase ''combination of commodity type and intended use'' in its place;
■ iii. In paragraph (b)(4) by removing the phrase ''variety, if applicable,'' and adding the phrase ''combination of commodity type and intended use'' in its place;
■ iv. In paragraph (c)(1)(iv) by removing the term ''crop'' in all three places it appears and adding the term ''insured crop'' in its place; and
■ v. In paragraph (d) by adding the phrase ''insured with an intended use of juice'' after the phrase ''Any citrus fruit'';
■ vi. By revising paragraph (e).

The revisions and additions read as follows:

§ 457.119 Texas citrus fruit crop insurance provisions.

* * * * *

1. Definitions

Citrus fruit commodity. Includes the following:

(a) Oranges;

(b) Grapefruit; and

(c) Any other citrus fruit designated as a ''citrus fruit commodity'' in the actuarial documents.

Citrus fruit group. A designation in the Special Provisions used to identify combinations of citrus fruit commodity types and intended uses within a citrus fruit commodity that may be grouped together for the purposes of electing coverage levels and identifying the insured crop.

Commodity type. A specific subcategory of a citrus fruit commodity having a characteristic or set of characteristics distinguishable from other subcategories of the same citrus fruit commodity.

* * * * *

Excess wind. A natural movement of air that has sustained speeds exceeding 58 miles per hour (50 knots) recorded at the U.S. National Weather Service reporting station or any other weather reporting station identified in the Special Provisions operating nearest to the insured acreage at the time of damage.

* * * * *

Intended use. The insured's expected end use or disposition of the commodity at the time the commodity is reported. Insurable intended uses will be specified in the Special Provisions.

Interplanted. In lieu of the definition contained in section 1 of the Basic Provisions, acreage on which two or more agricultural commodities are planted in any form of alternating or mixed pattern and at least one of these agricultural commodities constitutes an insured crop under these Crop Provisions.

Production guarantee (per acre). In lieu of the definition contained in section 1 of the Basic Provisions, the production guarantee will be determined by stage as follows:

* * *

(b) Second stage production guarantee. The quantity of citrus (in tons) determined by multiplying the yield determined in accordance with section 3(e) of these Crop Provisions by the coverage level percentage you elect.

* * * * *

2. Unit Division

(a) Basic units will be established for each insured crop in accordance with section 1 of the Basic Provisions.

* * * * *

(c) Optional units may be established by either of the following, but not both:

(1) In accordance with section 34(c) of the Basic Provisions, except as provided in section 2(b) of these Crop Provisions; or

(2) Non-contiguous land.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities

In addition to the requirements of section 3 of the Basic Provisions:

(a) You may select only one price election and coverage level for each insured crop.

(1) The price election you choose for each insured crop need not bear the same percentage relationship to the maximum price offered by us for each insured crop. For example, if you choose one hundred percent (100%) of the maximum price election for one insured crop (*e.g.,* the citrus fruit group for early and midseason oranges), you may choose seventy-five percent (75%) of the maximum price election for another insured crop (*e.g.,* the citrus fruit group for late oranges).

(2) If separate price elections are available by commodity type or intended use within an insured crop, the price elections you choose within the insured crop must have the same percentage relationship to the maximum price offered by us for each other commodity type or intended use within the insured crop. For example, if separate price elections are available for commodity type ruby red grapefruit with an intended use of fresh, and commodity type ruby red grapefruit with an intended use of juice, and you

choose one hundred percent (100%) of the price election for commodity type ruby red grapefruit with an intended use of fresh, you must also choose one hundred percent (100%) of the price election for commodity type ruby red grapefruit with an intended use of juice.

(b) The production guarantee per acre is progressive by stage and increases from the first stage production guarantee to the second stage production guarantee. The stages are as follows:

(1) The first stage extends from the date insurance attaches through April 30 of the calendar year of normal bloom.

(2) The second stage extends from May 1 of the calendar year of normal bloom until the end of the insurance period.

* * * * *

(e) We will reduce the yield used to establish your production guarantee, as necessary, based on our estimate of the effect of any circumstance that may reduce your yields from previous levels. Examples of these circumstances that may reduce yield may include, but are not necessarily limited to, interplanted agricultural commodities; tree removal, topping, hedging, or pruning of trees; damage; and change in practices. If the circumstance occurred:

(1) Before the beginning of the insurance period and you notify us by the production reporting date, the yield used to establish your production guarantee will be reduced for the current crop year regardless of whether the circumstance was due to an insured or uninsured cause of loss;

(2) After the beginning of the insurance period and you notify us by the production reporting date, the yield used to establish your production guarantee will be reduced for the current crop year only if the potential reduction in the yield used to establish your production guarantee is due to an uninsured cause of loss; or

(3) Before or after the beginning of the insurance period and you fail to notify us by the production reporting date, an amount equal to the reduction in the yield will be added to the production to count calculated in section 12(c) of these Crop Provisions due to uninsured causes. We will reduce the yield used to establish your production guarantee for the subsequent crop year to reflect any reduction in the productive capacity of the trees or in the yield potential of the insured acreage.

* * * * *

(g) In lieu of the provisions in section 3 of the Basic Provisions that require reporting your production for the previous crop year, for each crop year you must report your production from two crop years ago (*e.g.,* on the 2018 crop year production report, you will provide your 2016 crop year production).

* * * * *

7. Insured Crop

(a) In accordance with section 8 of the Basic Provisions, the insured crop will be each citrus fruit group you elect to insure and for which a premium rate is provided by the actuarial documents:

* * * * *

(b) For each insured crop, administrative fees will be assessed in accordance with section 6 of the Catastrophic Risk Protection Endorsement and section 7 of the Basic Provisions.

8. Insurable Acreage

In lieu of the provisions in section 9 of the Basic Provisions that prohibit insurance attaching to an insured crop interplanted with another agricultural commodity, interplanted acreage is uninsurable, except that a citrus fruit group interplanted with another perennial agricultural commodity is insurable unless we inspect the acreage and determine it does not meet the requirements contained in your policy.

* * * * *

10. Causes of Loss

* * * * *

(a) * * *

(9) Insects and plant disease, unless excluded or otherwise restricted through the Special Provisions, provided the loss of production is not due to damage resulting from insufficient or improper application of control measures as recommended by agricultural experts.

(b) In addition to the causes of loss excluded in section 12 of the Basic Provisions, we will not insure against damage or loss of production due to the inability to market the citrus for any reason other than actual physical damage from an insurable cause of loss specified in this section. For example, we will not pay you an indemnity if you are unable to market due to quarantine, boycott, or refusal of any person to accept production.

11. Duties in the Event of Damage or Loss

(a) In accordance with the requirements of section 14 of the Basic Provisions, you must leave representative samples. In lieu of the requirements of section 14(c)(3) of the Basic Provisions, we will determine which trees must remain unharvested so that we may inspect them in accordance with FCIC procedures.

(b) * * *

(2) If you intend to claim an indemnity on any unit, you must notify us at least 15 days prior to the beginning of harvest, or within 24 hours if damage is discovered during harvest, so we may have an opportunity to inspect the unit. You must not sell or dispose of the damaged crop until after we have given you written consent to do so. If you fail to meet the requirements of this section, all such production will be considered undamaged and included as production to count.

12. Settlement of Claim

* * * * *

(b) * * *

(1) Multiplying the insured acreage for each combination of commodity type and intended use by its respective production guarantee;

* * * * *

(e) Any citrus fruit insured with an intended use of fresh that is not marketable as fresh fruit due to insurable causes will be adjusted by multiplying the number of tons of such citrus fruit by the applicable Fresh Fruit Factor contained in the Special Provisions.

* * * * *

Signed in Washington, DC, on December 24, 2015.

Brandon Willis,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2015–32951 Filed 1–11–16; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–8131; Directorate Identifier 2015–NM–073–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2008–05–06, which applies to certain The Boeing Company Model 737–100, –200, –300, –400, and –500 series airplanes. AD 2008–05–06 currently requires repetitive inspections for fatigue cracking in the longitudinal floor beam web, upper chord, and lower chord

located at certain body stations, and repair if necessary. Since we issued AD 2008–05–06, we have determined that certain repairs and preventive modifications of certain longitudinal floor beam webs inadvertently omitted installation of tapered fillers. Omission of the tapered fillers creates a preload condition that may promote undetected fatigue cracking and subsequent failure of certain longitudinal floor beams. For certain airplanes, this proposed AD would require an inspection to determine if tapered fillers are installed, and related investigative and corrective actions if necessary. We are proposing this AD to detect and correct fatigue cracking of the upper and lower chords and web of the longitudinal floor beams, which could result in rapid loss of cabin pressure.

DATES: We must receive comments on this proposed AD by February 26, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8131.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8131; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–8131; Directorate Identifier 2015–NM–073–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On February 20, 2008, we issued AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), for certain The Boeing Company Model 737–100, –200, –300, –400, and –500 series airplanes. AD 2008–05–06 requires repetitive inspections for fatigue cracking in the longitudinal floor beam web, upper chord, and lower chord located at certain body stations, and repair if necessary. AD 2008–05–06 refers to Boeing Service Bulletin 737–57–1296, dated June 13, 2007, as an appropriate source of service information for accomplishing the required actions. AD 2008–05–06 resulted from reports of cracks in the center wing box longitudinal floor beams, upper chord, and lower chord. We issued AD 2008–05–06 to detect and correct fatigue cracking of the upper and lower chords and web of the longitudinal floor beams, which could result in rapid loss of cabin pressure.

Actions Since AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), Was Issued

Since we issued AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), Boeing issued Boeing Service Bulletin 737–57–1296, Revision 1, dated September 26, 2012, which is an alternative method of compliance (AMOC) for the actions required by AD 2008–05–06. We have determined that Boeing Service Bulletin 737–57–1296, Revision 1, dated September 26, 2012, inadvertently omitted installation of tapered fillers during the repair and preventive modification of certain longitudinal floor beam webs. Omission of the tapered fillers creates a preload condition that may promote undetected fatigue cracking and subsequent failure of the longitudinal floor beams at buttock line (BL) 24.82 and BL 45.57.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015. The service information describes procedures for various inspections for fatigue cracks in the longitudinal floor beam web, upper chord, and lower chord, located at the applicable body stations, repairs (including related investigative and corrective actions), and preventive modifications (including related investigative and corrective actions) that terminate the repetitive inspections. The service information also describes procedures for an inspection to determine if tapered fillers are installed, and related investigative and corrective actions. 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 of this NPRM.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008). This proposed AD would also require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures and compliance

times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8131.

The phrase ''related investigative actions'' is used in this proposed AD. ''Related investigative actions'' are follow-on actions that (1) are related to the primary action, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Formatting and Other Changes Between AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008) and This Proposed AD

Since AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have been redesignated in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008)	Corresponding requirement in this proposed AD
paragraph (f)	paragraph (g)
paragraph (g)	paragraph (h)

In addition, airplane groups identified in Boeing Service Bulletin 737–57–1296, dated June 13, 2007, which is referred to as the appropriate source of service information for accomplishing the actions required by AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), do not, in all cases, match the airplane groups for Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, which is the appropriate source of service information for accomplishing the new actions specified in this proposed AD.

Also, operators of Group 5 airplanes identified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, must contact the FAA for actions instead of accomplishing the actions specified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015. The procedures for inspections and corrective actions specified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, do not apply to these airplanes (line numbers 1 through 291).

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 652 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [retained actions from AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008)].	Up to 25 work-hours × $85 per hour = $2,125 per inspection cycle.	$0	$2,125 per inspection cycle.	$1,385,500 per inspection cycle.
Tapered filler inspection [new proposed action].	4 work-hours × $85 per hour = $340	0	$340	$221,680.

We estimate the following costs to do any necessary repairs that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Floor beam repair and optional preventative modification.	Up to 198 work-hours × $85 per hour = $16,830.	[1]	Up to $16,830.
Tapered filler repair	174 work-hours × $85 per hour = $14,790	[1]	$14,790.

[1] We have received no definitive data that would enable us to provide parts cost estimates for the actions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), and adding the following new AD:

The Boeing Company: Docket No. FAA–2015–8131; Directorate Identifier 2015–NM–073–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by February 26, 2016.

(b) Affected ADs

This AD replaces AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008).

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –300, –400, and –500 series airplanes; certificated in any category; as identified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by results from reports of cracks in the center wing box longitudinal floor beams, upper chord, and lower chord. We are issuing this AD to detect and correct fatigue cracking of the upper and lower chords and web of the longitudinal floor beams, which could result in rapid loss of cabin pressure.

(f) Compliance

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

(g) Retained Inspections With Revised Service Information and Revised Affected Airplanes

This paragraph restates the requirements of paragraph (f) of AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), with revised service information and revised affected airplanes. For Groups 1 through 4 airplanes identified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, do the various inspections for fatigue cracks in the longitudinal floor beam web, upper chord, and lower chord, located at the applicable body stations specified in the Accomplishment Instructions of Boeing Service Bulletin 737–57–1296, dated June 13, 2007; or Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015; by doing all the actions in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57A1296, dated June 13, 2007; or Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015; except as provided by paragraph (h) of this AD. Do the inspections at the time specified in paragraph (g)(1) or (g)(2) of this AD, as applicable. As of the effective date of this AD, only use Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, for accomplishing the actions required by this paragraph.

Note 1 to paragraphs (g) and (h) of this AD: The airplane groups identified in Boeing Service Bulletin 737–57–1296, dated June 13, 2007, do not, in all cases, match the airplane groups identified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015 (Group 4 airplanes in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015 coincide with certain Group 2 airplanes in Boeing Service Bulletin 737–57–1296, dated June 13, 2007).

(1) For Groups 1 and 2 airplanes, except for line numbers 1 through 291, identified in Boeing Service Bulletin 737–57–1296, dated June 13, 2007: Do the inspections at the applicable initial compliance time listed in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–57–1296, dated June 13, 2007, except where Boeing Service Bulletin 737–57–1296, dated June 13, 2007, specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after April 8, 2008 (the effective date of AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008)). Repeat the inspections thereafter at the intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–57–1296, dated June 13, 2007.

(2) For Group 3 airplanes identified in Boeing Service Bulletin 737–57–1296, dated June 13, 2007: Do the inspections at the applicable initial compliance time listed in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–57–1296, dated June 13, 2007, except where Boeing Service Bulletin 737–57–1296, dated June 13, 2007, specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after April 8, 2008 (the effective date of AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008)). Repeat the inspections thereafter at the intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–57–1296, dated June 13, 2007.

(h) Retained Repair Instructions With Revised Service Information That Contains New Repair Actions

This paragraph restates the requirements of paragraph (g) of AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), with revised service information that contains new repair actions. If any crack is found during any inspection required by paragraph (g) of this AD, do the applicable actions specified in paragraph (h)(1) or (h)(2) of the AD.

(1) For inspections done using Boeing Service Bulletin 737–57–1296, dated June 13, 2007: If any crack is found during any inspection required by paragraph (g) of this AD, and Boeing Service Bulletin 737–57–1296, dated June 13, 2007, specifies contacting Boeing for repair instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(2) For inspections done using Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015: If any crack is found during any inspection required by paragraph (g) of this AD, before further flight, repair, including doing all applicable related investigative actions and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015; except where Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, specifies contacting Boeing for repair instructions, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Accomplishing a repair specified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, terminates the repetitive inspections required by paragraph (g) of this AD for the repaired area only.

(i) New Requirement of This AD: Inspection for Tapered Fillers for Certain Airplanes, Related Investigative Actions, and Corrective Actions

For Groups 1 through 4, Configuration 1 airplanes identified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015: Except as provided by paragraph (k) of this AD, at the applicable time specified in table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, do an inspection to determine if tapered fillers are installed; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert

Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015; except where Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, specifies contacting Boeing for repair instructions, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Do all applicable related investigative and corrective actions before further flight. A review of the maintenance records is acceptable in lieu of this inspection if the installation of tapered fillers can be conclusively determined from that review.

(j) New Requirement of This AD: Inspections and Corrective Actions for Group 5 Airplanes

For Group 5 airplanes identified in Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015: Except as provided by paragraph (k) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015: Accomplish inspections and applicable corrective actions using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(k) Exception to Service Information

Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, specifies a compliance time ''after the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time ''after the effective date of this AD.''

(l) Optional Terminating Action

Accomplishing the applicable preventative modification specified in paragraph 3.B.4., '' Preventive Modification'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, terminates the applicable repetitive inspection required by paragraph (g) of this AD. The preventative modification, including related investigative and corrective actions, must be done in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015; except where Boeing Alert Service Bulletin 737–57A1296, Revision 2, dated April 1, 2015, specifies contacting Boeing for repair instructions, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(m) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h)(2) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 737–57–1296, Revision 1, dated September 26, 2012.

(n) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved as specified in the fourth paragraph (related to AD 2008–05–06) of Section 1.F., Approval, of Boeing Service Bulletin 737–57–1296, Revision 1, dated September 26, 2012, for repairs and modifications are not approved for any provision of this AD. All other AMOCs approved for AD 2008–05–06, Amendment 39–15400 (73 FR 11538, March 4, 2008), are approved as AMOCs for the corresponding provisions of this AD.

(o) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on December 21, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–32851 Filed 1–11–16; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 23

Guides for the Jewelry, Precious Metals, and Pewter Industries

AGENCY: Federal Trade Commission.

ACTION: Request for public comments on proposed amendments.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') proposes revisions to its Guides for the Jewelry, Precious Metals, and Pewter Industries (''Jewelry Guides'' or ''Guides''). The proposed revisions aim to respond to changes in the marketplace and help marketers avoid deceptive and unfair practices. This document summarizes the Commission's proposed revisions to the Guides and includes the proposed revised Guides.

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Readers can find the Commission's complete analysis in the Statement of Basis and Purpose (''Statement'') on the FTC's Web site at *https://www.ftc.gov/public-statements/2015/12/statement-basis-purpose-proposed-revisions-jewelry-guides.* The Commission seeks comments on these proposed revisions and other issues raised in this document. Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Jewelry Guides, 16 CFR part 23, Project No. G711001'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/jewelryguidesreview,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex O), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex O), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Reenah L. Kim, Attorney, (202) 326–2272, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: In July 2012, the Commission published a **Federal Register** notice initiating a comprehensive regulatory review of the Jewelry Guides.[1] As part of this review,

[1] 77 FR 39201 (July 2, 2012). The Commission issues industry guides to help the industry conform with legal requirements. 16 CFR part 17. Industry guides are administrative interpretations of the law; they do not have the force of law and are not independently enforceable. Failure to follow

Continued

the Commission has reviewed the public comments it received in response to the notice, as well as the transcript of a public roundtable it conducted to obtain additional input.[2] During the review, the Commission received information regarding technological developments and related changes in industry standards and practices and consumer perceptions that affected certain provisions of the Guides.

Under Section 5 of the FTC Act,[3] an act or practice is deceptive if it involves a material statement or omission that would mislead a consumer acting reasonably under the circumstances.[4] Therefore, to prevent deceptive acts and practices pursuant to Section 5, the Commission's guidance should be based on how consumers reasonably interpret claims. The Commission has tried to use available consumer perception evidence whenever possible to develop its guidance. Because marketers have relied on these Guides for decades and have made significant expenditures based on this guidance, the Commission proposes revising existing provisions only when there is a firm record supporting revision. Additionally, the Commission proposes new guidance only when supported by solid evidence of deception to avoid chilling the use of truthful terms that may be useful to consumers.

Based on this framework, the Commission now proposes several amendments to the Guides. Specifically, the Commission proposes revisions in the following areas: (I) Surface application of precious metals; (II) products containing more than one precious metal; (III) alloys with precious metals in amounts below minimum thresholds; (IV) lead-glass-filled stones; (V) varietals; (VI) ''cultured'' diamonds; (VII) use of the term ''gem''; and (VIII) treatments to pearl products.

industry guides may result, however, in enforcement action under the FTC Act, 15 U.S.C. 45. In any such action, the Commission must prove that the act or practice at issue is unfair or deceptive in violation of Section 5 of the FTC Act.

[2] As explained in more detail in the Statement of Basis and Purpose, the Commission completed its last comprehensive review of the Jewelry Guides in 1996 (61 FR 27178 (May 30, 1996)), and has modified the Guides four times since, most recently in 2010. 75 FR 81443 (Dec. 28, 2010) (providing guidance on how to mark and describe non-deceptively certain platinum alloys).

[3] 15 U.S.C. 45.

[4] FTC Policy Statement on Deception, appended to *Cliffdale Assoc., Inc.,* 103 FTC 110 (1984); *see also FTC* v. *Verity Int'l Ltd.,* 443 F.3d 48, 63 (2d Cir. 2006); *FTC* v. *Pantron I Corp.,* 33 F.3d 1088, 1095 (9th Cir. 1994).

I. Surface Application of Precious Metals

The Commission proposes three revisions to its guidance on precious metal surface applications. First, based on the comments, to address the deceptive use of precious metal terms for silver and platinum products that are not composed throughout of the advertised metal, the Commission proposes to advise marketers against using silver or platinum terms to describe all, or part of, a coated product unless they adequately qualify the term to indicate the product has only a surface layer of the advertised precious metal.[5]

Second, based on new durability testing, the Commission proposes to update the safe harbors for surface applications of gold.[6] Specifically, this testing shows that the durability marketers intend to convey can be assured only at thicknesses higher than those specified in the current Guides. Additionally, this testing demonstrates that, for electrolytic applications, durability is assured only when marketers use gold or gold alloy of at least 22 karat fineness, rather than the 10 karat fineness currently provided. The Commission seeks evidence about consumer expectations regarding the durability of products with a surface application of precious metals as compared to products composed throughout of precious metals. As discussed in the Statement, the Commission does not propose guidance for new terms to describe surface applications of silver and platinum group metals not addressed in the Guides, nor does it propose guidance for new surface-application terms, such as ''clad'' and ''bonded,'' to describe gold and other surface applications. The Commission lacks sufficient evidence on which to base such guidance.

Third, based on consumer perception evidence, the Commission proposes a new section advising marketers to disclose rhodium surface applications on products marked or described as precious metal, such as rhodium plated items marketed as ''white gold'' or silver.'' [7]

II. Products Containing More Than One Precious Metal

Consistent with consumer perception evidence, the Commission proposes adding a new section that states it is unfair or deceptive to misrepresent the relative quantity of each precious metal in a product that contains more than one precious metal.[8] The proposed guidance advises marketers generally to list precious metals in the order of their relative weight from greatest to least (*i.e.,* leading with the predominant metal). However, it includes examples illustrating that, in some contexts, consumers likely understand that a product contains a greater amount of one metal, even though another metal is listed first (*e.g.,* ''14k gold-accented silver''). It also provides examples of marking and descriptions of terms that may be misleading (*e.g.,* use of the term ''Platinum + Silver'' to describe a product that contains more silver than platinum by weight).

III. Alloys With Precious Metals in Amounts Below Minimum Thresholds

The Commission proposes to revise the Guides to address gold and silver products containing precious metal in amounts below the levels currently specified in the Guides. The current Guides advise marketers to avoid using the terms ''gold,'' ''silver,'' or ''platinum,'' or their abbreviations, to describe or mark a product unless it contains the precious metal in an amount that meets or exceeds the levels specified in Section 23.4 (gold), 23.6 (silver), and 23.7 (platinum group metals). The Commission proposes adding new guidance to the gold and silver sections regarding marketers who have competent and reliable scientific evidence that below-threshold products have materially similar properties (*e.g.,* corrosion- and tarnish-resistance) to at- or above-threshold products. This proposed guidance advises that these marketers may non-deceptively reference these precious metals without additional disclosures other than purity.[9] Further, the proposed guidance advises marketers selling below-threshold gold and silver alloys that materially differ from at- or above-

[5] Proposed Section 23.5(b)(3) (silver) and Section 23.6(b)(1) (platinum).

[6] Proposed Section 23.3(c). In various places, the current Guides' safe harbors refer both to ''reasonable durability,'' which is not defined, and ''substantial thickness,'' which is defined to mean that ''all areas of the plating are of such thickness as to assure a durable coverage of the base metal to which it has been affixed.'' *See, e.g.,* Section 23.4(c)(2), fn 3 (mechanical plating of gold or gold alloy) and 23.6(d) (silver). To clarify that reasonable durability is based on consumer expectation, the Commission proposes defining ''reasonable durability'' as ''all areas of the plating are of such thickness as to assure coverage that reasonable consumers would expect from the surface application.'' *See, e.g.,* proposed Section 23.3(b)(4), fn 2. This proposed definition incorporates, and therefore replaces, the guidance regarding ''substantial thickness'' where it appears in the gold and silver sections.

[7] Proposed Section 23.7.

[8] Proposed Section 23.8.

[9] Proposed Note to Section 23.3(b)(9) (gold); proposed Note to Section 23.5(1) and (2) (silver).

threshold products (*e.g.,* 8 karat gold items that tarnish) that they may non-deceptively reference these metals if they disclose that the product may not have the same attributes or properties as jewelry made with the same precious metal at or above the threshold.[10] Finally, the notes advise marketers to accurately disclose the purity of the metal.[11] These changes should enable marketers to provide truthful information about precious metal content while dispelling the impression that a product will perform as well as one made with that precious metal in amounts at or above the threshold. For reasons described in the Statement, the Commission does not propose a corresponding note for platinum alloys containing less than 500 parts per thousand platinum.

IV. Lead-Glass-Filled Stones

The Commission proposes adding a new note to the section on ''Misuse of the words 'ruby,' 'sapphire,' etc.'' [12] Based on consumer perception evidence, this proposed note states it would be unfair or deceptive to describe products filled with a substantial quantity of lead glass: With the unqualified word ''ruby'' or name of any other precious or semi-precious stone; as a ''treated ruby'' or other ''treated'' precious or semi-precious stone; as a ''laboratory-grown,'' ''laboratory-created,'' ''[manufacturer name]-created,'' or ''synthetic'' ruby or other natural stone; or as a ''composite ruby,'' ''manufactured ruby,'' ''hybrid ruby,'' or other precious or semi-precious stone without qualification. The Commission also proposes some examples of terms marketers could use to describe these products non-deceptively (*e.g.,* use of the term ''lead-glass-filled ruby'' to describe a product made with ruby that is infused with lead glass).[13]

V. Varietals

The Commission proposes adding a new section that states it is unfair or deceptive to mark or describe a product with an incorrect varietal name.[14] Varietal names describe a division of gem species or genus based on color, type of optical phenomenon, or other distinguishing characteristic of appearance (*e.g.,* crystal structure). Based on consumer perception evidence, this proposed section provides two examples of markings or descriptions that may be misleading: (1) Use of the term ''yellow emerald'' to describe a golden beryl or heliodor, and (2) the use of the term ''green amethyst'' to describe prasiolite.

VI. ''Cultured'' Diamonds

Based on consumer perception evidence, the Commission proposes adding a new diamond example that states it is not unfair or deceptive to use the term ''cultured'' to describe laboratory-created diamonds if the term is immediately accompanied by ''laboratory-created,'' ''laboratory-grown,'' ''[manufacturer name]-created,'' ''synthetic,'' or by another word or phrase of like meaning.[15]

VII. Misuse of the Word ''Gem''

Based on comments noting that the guidance on the term ''gem'' is circular and subjective, the Commission proposes eliminating Section 23.25 (''Misuse of the word 'gem' ''). In its place, the Commission proposes adding the term ''gem'' to Section 23.23 [16] (Misuse of the words ''ruby,'' ''sapphire,'' ''emerald,'' ''topaz, ''stone,'' ''birthstone,'' ''gemstone,'' etc.). The Commission also proposes eliminating Section 23.20(j) (misuse of the word ''gem'' as to pearls). As discussed in the Statement, the Commission does not propose further guidance for the term ''gem'' with regard to pearls.

VIII. Treatments to Pearl Products

Based on comments, the Commission proposes a new section addressing disclosures of treatments to pearls and cultured pearls. This section advises marketers to disclose treatments to such products if the treatment: (a) Is not permanent; (b) creates special care requirements or (c) has a significant effect on the product's value.[17] The guidance largely tracks the current guidance regarding gemstone treatments.[18]

IX. Conclusion

For further analysis of comments and the proposed revised guidance, please see the Statement of Basis and Purpose on the FTC's Web site, available at *https://www.ftc.gov/public-statements/2015/12/statement-basis-purpose-proposed-revisions-jewelry-guides.*

List of Subjects in 16 CFR Part 23

Advertising, Jewelry, Labeling, Pewter, Precious metals, and Trade practices.

For the reasons set forth in the preamble, and in the Statement of Basis and Purpose on the FTC's Web site, available at *https://www.ftc.gov/public-statements/2015/12/statement-basis-purpose-proposed-revisions-jewelry-guides,* the Commission proposes to revise 16 CFR part 23, as set forth below:

PART 23—GUIDES FOR THE JEWELRY, PRECIOUS METALS, AND PEWTER INDUSTRIES

Sec.

Authority: 15 U.S.C. 45, 46.

[10] *Id.*

[11] *Id.*

[12] Proposed Note to Section 23.25.

[13] *Id.*

[14] Proposed Section 23.27.

[15] Proposed Section 23.12(c)(3).

[16] Renumbered as Section 23.25 in the proposed Guides.

[17] Proposed Section 23.23.

[18] 16 CFR 23.22 (now renumbered as proposed Section 23.24).

§ 23.0 Scope and application.

(a) These guides apply to jewelry industry products, which include, but are not limited to, the following: Gemstones and their laboratory-created and imitation substitutes; natural and cultured pearls and their imitations; and metallic watchbands not permanently attached to watches. These guides also apply to articles, including optical frames, pens and pencils, flatware, and hollowware, fabricated from precious metals (gold, silver and platinum group metals), precious metal alloys, and their imitations. These guides also apply to all articles made from pewter. For the purposes of these guides, all articles covered by these guides are defined as ''industry products.''

(b) These guides apply to persons, partnerships, or corporations, at every level of the trade (including but not limited to manufacturers, suppliers, and retailers) engaged in the business of offering for sale, selling, or distributing industry products.

Note to paragraph (b): To prevent consumer deception, persons, partnerships, or corporations in the business of appraising, identifying, or grading industry products should utilize the terminology and standards set forth in the guides.

(c) These guides apply to claims and representations about industry products included in labeling, advertising, promotional materials, and all other forms of marketing, whether asserted directly or by implication, through words, symbols, emblems, logos, illustrations, depictions, product brand names, or through any other means.

(d) These guides set forth the Federal Trade Commission's current thinking about claims for jewelry and other articles made from precious metals and pewter. The guides help marketers and other industry members avoid making claims that are unfair or deceptive under Section 5 of the FTC Act, 15 U.S.C. 45. They do not confer any rights on any person and do not operate to bind the FTC or the public. The Commission, however, may take action under the FTC Act if a marketer or other industry member makes a claim inconsistent with the guides. In any such enforcement action, the Commission must prove that the challenged act or practice is unfair or deceptive in violation of Section 5 of the FTC Act.

(e) The guides consist of general principles, specific guidance on the use of particular claims for industry products, and examples. Claims may raise issues that are addressed by more than one example and in more than one section of the guides. The examples provide the Commission's views on how reasonable consumers likely interpret certain claims. Industry members may use an alternative approach if the approach satisfies the requirements of Section 5 of the FTC Act. Whether a particular claim is deceptive will depend on the net impression of the advertisement, label, or other promotional material at issue. In addition, although many examples present specific claims and options for qualifying claims, the examples do not illustrate all permissible claims or qualifications under Section 5 of the FTC Act.

§ 23.1 Deception (general).

It is unfair or deceptive to misrepresent the type, kind, grade, quality, quantity, metallic content, size, weight, cut, color, character, treatment, substance, durability, serviceability, origin, price, value, preparation, production, manufacture, distribution, or any other material aspect of an industry product.

Note 1 to § 23.1: If, in the sale or offering for sale of an industry product, any representation is made as to the grade assigned the product, the identity of the grading system used should be disclosed.

Note 2 to § 23.1: To prevent deception, any qualifications or disclosures, such as those described in the guides, should be sufficiently clear and prominent. Clarity of language, relative type size and proximity to the claim being qualified, and an absence of contrary claims that could undercut effectiveness, will maximize the likelihood that the qualifications and disclosures are appropriately clear and prominent.

Note 3 to § 23.1: An illustration or depiction of a diamond or other gemstone that portrays it in greater than its actual size may mislead consumers, unless a disclosure is made about the item's true size.

§ 23.2 Misuse of the terms ''handmade,'' ''hand polished,'' etc.

(a) It is unfair or deceptive to represent, directly or by implication, that any industry product is handmade or hand-wrought unless the entire shaping and forming of such product from raw materials and its finishing and decoration were accomplished by hand labor and manually controlled methods which permit the maker to control and vary the construction, shape, design, and finish of each part of each individual product.

Note to paragraph (a): As used herein, ''raw materials'' include bulk sheet, strip, wire, precious metal clays, ingots, casting grain, and similar items that have not been cut, shaped, or formed into jewelry parts, semi-finished parts, or blanks.

(b) It is unfair or deceptive to represent, directly or by implication, that any industry product is hand forged, hand engraved, hand finished, or hand polished, or has been otherwise hand processed, unless the operation described was accomplished by hand labor and manually controlled methods which permit the maker to control and vary the type, amount, and effect of such operation on each part of each individual product.

§ 23.3 Misrepresentation as to gold content.

(a) It is unfair or deceptive to misrepresent the presence of gold or gold alloy in an industry product, or the quantity or karat fineness of gold or gold alloy contained in the product, or the karat fineness, thickness, weight ratio, or manner of application of any gold or gold alloy plating, covering, or coating on any surface of an industry product or part thereof.

(b) The following are examples of markings or descriptions that may be misleading: [1]

(1) Use of the word ''Gold'' or any abbreviation, without qualification, to describe all or part of an industry product, which is not composed throughout of fine (24 karat) gold.

(2) Use of the word ''Gold'' or any abbreviation to describe all or part of an industry product composed throughout of an alloy of gold, unless a correct designation of the karat fineness of the alloy immediately precedes the word ''Gold'' or its abbreviation, and such fineness designation is of at least equal conspicuousness.

(3) Use of the word ''Gold'' or any abbreviation to describe all or part of an industry product that is not composed throughout of gold or a gold alloy, but is surface-plated or coated with gold alloy, unless the word ''Gold'' or its abbreviation is adequately qualified to indicate that the product or part is only surface-plated.

(4) Use of the term ''Gold Plate,'' ''Gold Plated,'' or any abbreviation to describe all or part of an industry product unless such product or part contains a surface-plating of gold alloy, applied by any process, which is of such thickness and extent of surface coverage that reasonable durability [2] is assured.

[1] See § 23.3(c) for examples of acceptable markings and descriptions.

[2] For the purpose of this section, ''reasonable durability'' means that all areas of the plating are of such thickness as to assure coverage that reasonable consumers would expect from the surface application. Since industry products include items having surfaces and parts of surfaces that are subject to different degrees of wear, the thickness of the surface application for all items or

(5) Use of the terms ''Gold Filled,'' ''Rolled Gold Plate,'' ''Rolled Gold Plated,'' ''Gold Overlay,'' or any abbreviation to describe all or part of an industry product unless such product or part contains a surface plating of gold alloy applied by a mechanical process and of such thickness and extent of surface coverage that reasonable durability is assured, and unless the term is immediately preceded by a correct designation of the karat fineness of the alloy that is of at least equal conspicuousness as the term used.

(6) Use of the terms ''Gold Plate,'' ''Gold Plated,'' ''Gold Filled,'' ''Rolled Gold Plate,'' ''Rolled Gold Plated,'' ''Gold Overlay,'' or any abbreviation to describe a product in which the layer of gold plating has been covered with a base metal (such as nickel), which is covered with a thin wash of gold, unless there is a disclosure that the primary gold coating is covered with a base metal, which is gold washed.

(7) Use of the terms ''Gold Electroplate,'' ''Gold Electroplated,'' or any abbreviation to describe all or part of an industry product unless such product or part is electroplated with gold or a gold alloy and such electroplating is of such karat fineness, thickness, and extent of surface coverage that reasonable durability is assured.

(8) Use of any name, terminology, or other term to misrepresent that an industry product is equal or superior to, or different than, a known and established type of industry product with reference to its gold content or method of manufacture.

(9) Use of the word ''Gold'' or any abbreviation, or of a quality mark implying gold content (*e.g.,* 9 karat), to describe all or part of an industry product that is composed throughout of an alloy of gold of less than 10 karat fineness.

Note to paragraph (b)(9): For an industry product that is not composed throughout of an alloy of gold of at least 10 karat fineness, using the word ''gold'' or any abbreviation, or a quality mark implying gold content (*e.g.,* 9 karat), may not be deceptive to describe all or part of the product if the marketer has competent and reliable scientific evidence that such product does not differ materially from a product composed throughout of an alloy of gold of at least 10 karat fineness with respect to the following attributes or properties: Corrosion resistance, tarnish resistance, and any other attribute or property material to consumers. In those circumstances, a correct designation of the karat fineness of the alloy should immediately precede the word ''gold'' or its abbreviation, and such fineness designation should be of at least equal conspicuousness. If the marketer lacks such evidence, in addition to disclosing the karat fineness of the alloy, it should also disclose that the product may not have the same attributes or properties as products that contain at least 10 karats.

(c) The following are examples of markings and descriptions that are consistent with the principles described above:

(1) An industry product or part thereof, composed throughout of an alloy of gold of not less than 10 karat fineness, may be marked and described as ''Gold'' when such word ''Gold,'' wherever appearing, is immediately preceded by a correct designation of the karat fineness of the alloy, and such karat designation is of equal conspicuousness as the word ''Gold'' (for example, ''14 Karat Gold,'' ''14 K. Gold,'' or ''14 Kt. Gold''). Such product may also be marked and described by a designation of the karat fineness of the gold alloy unaccompanied by the word ''Gold'' (for example, ''14 Karat,'' ''14Kt.,'' or ''14 K.'').

Note to paragraph (c)(1): Use of the term ''Gold'' or any abbreviation to describe all or part of a product that is composed throughout of gold alloy, but contains a hollow center or interior, may mislead consumers, unless the fact that the product contains a hollow center is disclosed in immediate proximity to the term ''Gold'' or its abbreviation (for example, ''14 Karat Gold-Hollow Center,'' or ''14 K. Gold Tubing,'' when of a gold alloy tubing of such karat fineness). Such products should not be marked or described as ''solid'' or as being solidly of gold or of a gold alloy. For example, when the composition of such a product is 14 karat gold alloy, it should not be described or marked as either ''14 Kt. Solid Gold'' or as ''Solid 14 Kt. Gold.''

(2) An industry product or part thereof on which there has been affixed on all significant surfaces by soldering, brazing, welding, or other mechanical means, a plating of gold alloy of not less than 10 karat fineness and of a minimum thickness throughout of gold or gold alloy that is 170 millionths of an inch (approximately 4.3 microns) may be marked or described as ''Gold Filled,'' ''Gold Overlay,'' ''Rolled Gold Plate,'' ''Gold Plate,'' ''Gold Plated,'' or an adequate abbreviation, when such plating constitutes at least 1/20th of the weight of the metal in the entire article and when the term is immediately preceded by a designation of the karat fineness of the plating which is of equal conspicuousness as the term used (for example, ''14 Karat Gold Filled,'' ''14 Kt. Gold Filled,'' ''14 Kt. G.F.,'' ''14 Kt. Gold Overlay,'' or ''14K. R.G.P.''). The exact thickness of the plate may be marked on the item, if it is immediately followed by a designation of the karat fineness of the plating, which is of equal conspicuousness as the term used (as, for example, ''4.3 microns 12 K gold overlay'' or ''4.3 μ 14 Kt. G.F.'' for items plated with 4.3 microns of 12 karat and 14 karat gold, respectively).

Note to paragraph (c)(2): If an industry product has a thicker coating of gold or gold alloy on some areas than others, the minimum thickness of the plate should be marked. When conforming to all such requirements except the specified minimum of 1/20th of the weight of the metal in the entire article, the terms ''Gold Overlay,'' ''Gold Plate,'' ''Gold Plated,'' and ''Rolled Gold Plate'' may be used when the karat fineness designation is immediately preceded by a fraction accurately disclosing the portion of the weight of the metal in the entire article accounted for by the plating, and when such fraction is of equal conspicuousness as the term used (for example, ''1/40th 12 Kt. Rolled Gold Plate'' or ''1/40 12 Kt. R.G.P.'').

(3) An industry product or part thereof on which there has been affixed on all significant surfaces by an electrolytic process an electroplating of gold or gold alloy of not less than 22 karats that is 15 millionths of an inch (approximately 0.381 microns) may be marked or described as ''Gold Plate,'' ''Gold Plated,'' ''Gold Electroplate'' or ''Gold Electroplated,'' or abbreviated, as, for example, ''G.E.P.'' When the electroplating meets the minimum fineness but not the minimum thickness specified above, the marking or description may be ''Gold Flashed'' or ''Gold Washed.'' An industry product or part thereof on which there has been affixed on all significant surfaces by an electrolytic process an electroplating of gold or gold alloy of not less than 22 karats that is 100 millionths of an inch (approximately 2.54 microns) may be marked or described as ''Heavy Gold Electroplate'' or ''Heavy Gold Electroplated.'' When electroplatings qualify for the term ''Gold Electroplate'' (or ''Gold Electroplated''), or the term ''Heavy Gold Electroplate'' (or ''Heavy Gold Electroplated''), and have been applied by use of a particular kind of electrolytic process, the marking may be accompanied by identification of the process used, as for example, ''Gold Electroplated (X Process)'' or ''Heavy Gold Electroplated (Y Process).'' The exact thickness of the plate may be marked on the item, if it is immediately followed by a designation of the karat fineness of the plating, which is of equal conspicuousness as the term used (as, for example, ''0.381 microns 22 K gold electroplate'' for an item plated with 0.381 microns of 22 karat gold or ''2.54

for different areas of the surface of individual items does not necessarily have to be uniform.

μ 22 K. heavy gold electroplated'' for an item plated with 2.54 microns of 22 karat gold).

Note to paragraph (c)(3): If an industry product has a thicker electroplating of gold or gold alloy on some areas than others, the minimum thickness of the plate should be marked.

(d) The provisions of this section relating to markings and descriptions of industry products and parts thereof are subject to the applicable tolerances of the National Stamping Act or any amendment thereof.[3]

Note to paragraph (d): Exemptions recognized in the assay of karat gold industry products and in the assay of gold filled, gold overlay, and rolled gold plate industry products, and not to be considered in any assay for quality, are listed in the appendix.

§ 23.4 Misuse of the word ''vermeil.''

(a) It is unfair or deceptive to represent, directly or by implication, that an industry product is ''vermeil'' if such mark or description misrepresents the product's true composition.

(b) An industry product may be described or marked as ''vermeil'' if it consists of a base of sterling silver coated or plated on all significant surfaces with gold or gold alloy of not less than 22 karat fineness and a minimum thickness throughout of 100 millionths of an inch (approximately 2.54 microns).

Note 1 to § 23.4: It is unfair or deceptive to use the term ''vermeil'' to describe a product in which the sterling silver has been covered with a base metal (such as nickel) plated with gold unless there is a disclosure that the sterling silver is covered with a base metal that is plated with gold.

Note 2 to § 23.4: Exemptions recognized in the assay of gold filled, gold overlay, and rolled gold plate industry products are listed in the appendix.

§ 23.5 Misrepresentation as to silver content.

(a) It is unfair or deceptive to misrepresent that an industry product contains silver, or to misrepresent a product's silver content, plating, electroplating, or coating.

(b) The following are examples of markings or descriptions that may be misleading:

(1) Use of the words ''silver,'' ''solid silver,'' ''Sterling Silver,'' ''Sterling,'' or the abbreviation ''Ster.'' to describe all or part of an industry product unless it is at least 925/1,000ths pure silver.

(2) Use of the words ''coin'' or ''coin silver'' to describe all or part of an industry product unless it is at least 900/1,000ths pure silver.

Note to paragraphs 5(b)(1) and (2): A marketer may mark, describe, or otherwise represent all or part an industry product as silver even when it is not at least 925/1,000ths pure silver if the marketer has competent and reliable scientific evidence that such product does not differ materially from a product that is at least 925/1,000ths pure silver with respect to the following attributes or properties: Corrosion resistance, tarnish resistance, and any other attribute or property material to consumers. In those circumstances, a correct designation of the purity of the alloy should immediately precede the word ''silver'' or its abbreviation, and such designation should be of at least equal conspicuousness. If the marketer lacks such evidence, in addition to disclosing the purity of the alloy, it should also disclose that the product may not have the same attributes or properties as products that contain at least 925/1,000ths. The terms ''solid silver,'' ''sterling silver,'' ''sterling,'' and the abbreviation ''Ster.'' should not be used to mark or describe such products that are not at least 925/1,000ths pure silver. Consistent with § 23.6(b)(2), marketers may use the terms ''coin'' or ''coin silver'' only if the product is at least 900/1,000ths pure silver.

(3) Use of the word ''silver'' or any abbreviation to describe all or part of a product that is not composed throughout of silver, but has a surface layer or coating of silver, unless the word ''silver'' or its abbreviation is adequately qualified to indicate that the product or part is only coated.

(4) Marking, describing, or otherwise representing all or part of an industry product as being plated or coated with silver unless all significant surfaces of the product or part contain a plating or coating of silver that is of reasonable durability.[4]

(c) The provisions of this section relating to markings and descriptions of industry products and parts thereof are subject to the applicable tolerances of the National Stamping Act or any amendment thereof.[5]

Note 1 to § 23.5: The National Stamping Act provides that silver-plated articles shall not ''be stamped, branded, engraved or imprinted with the word 'sterling' or the word 'coin,' either alone or in conjunction with other words or marks.'' 15 U.S.C. 297(a).

Note 2 to § 23.5: Exemptions recognized in the assay of silver industry products are listed in the appendix.

§ 23.6 Misuse of the words ''platinum,'' ''iridium,'' ''palladium,'' ''ruthenium,'' ''rhodium,'' and ''osmium.''

(a) It is unfair or deceptive to use the words ''platinum,'' ''iridium,'' ''palladium,'' ''ruthenium,'' ''rhodium,'' and ''osmium,'' or any abbreviation to mark or describe all or part of an industry product if such marking or description misrepresents the product's true composition. The Platinum Group Metals (PGM) are Platinum, Iridium, Palladium, Ruthenium, Rhodium, and Osmium.

(b) The following are examples of markings or descriptions that may be misleading: [6]

(1) Use of the word ''Platinum'' or any abbreviation to describe all or part of a product that is not composed throughout of platinum, but has a surface layer or coating of platinum, unless the word ''Platinum'' or its abbreviation is adequately qualified to indicate that the product or part is only coated.

(2) Use of the word ''Platinum'' or any abbreviation, without qualification, to describe all or part of an industry product that is not composed throughout of 950 parts per thousand pure Platinum.

(3) Use of the word ''Platinum'' or any abbreviation accompanied by a number indicating the parts per thousand of pure Platinum contained in the product without mention of the number of parts per thousand of other PGM contained in the product, to describe all or part of an industry product that is not composed throughout of at least 850 parts per thousand pure platinum, for example, ''600Plat.''

(4) Use of the word ''Platinum'' or any abbreviation thereof, to mark or describe any product that is not composed throughout of at least 500 parts per thousand pure Platinum.

(5) Use of the word ''Platinum,'' or any abbreviation accompanied by a number or percentage indicating the parts per thousand of pure Platinum contained in the product, to describe all or part of an industry product that contains at least 500 parts per thousand, but less than 850 parts per thousand, pure Platinum, and does not contain at least 950 parts per thousand PGM (for example, ''585 Plat.'') without a clear and conspicuous disclosure, immediately following the name or description of such product:

(i) Of the full composition of the product (by name and not abbreviation) and percentage of each metal; and

[3] Under the National Stamping Act, articles or parts made of gold or of gold alloy that contain no solder have a permissible tolerance of three parts per thousand. If the part tested contains solder, the permissible tolerance is seven parts per thousand. For full text, *see* 15 U.S.C. 295, *et seq.*

[4] *See* footnote 2.

[5] Under the National Stamping Act, sterling silver articles or parts that contain no solder have a permissible tolerance of four parts per thousand. If the part tested contains solder, the permissible tolerance is ten parts per thousand. For full text, *see* 15 U.S.C. 294, *et seq.*

[6] *See* paragraph (c) of this section for examples of acceptable markings and descriptions.

(ii) That the product may not have the same attributes or properties as traditional platinum products. Provided, however, that the marketer need not make disclosure under § 23.7(b)(5)(ii), if the marketer has competent and reliable scientific evidence that such product does not differ materially from a product containing at least 850 parts per thousand pure Platinum with respect to the following attributes or properties: Durability, luster, density, scratch resistance, tarnish resistance, hypo-allergenicity, ability to be resized or repaired, retention of precious metal over time, and any other attribute or property material to consumers.

Note to paragraph (b)(5): When using percentages to qualify platinum representations, marketers should convert the amount in parts per thousand to a percentage that is accurate to the first decimal place (*e.g.,* 58.5% Platinum, 41.5% Cobalt).

(c) The following are examples of markings and descriptions that are not considered unfair or deceptive:

(1) The following abbreviations for each of the PGM may be used for quality marks on articles: ''Plat.'' or ''Pt.'' for Platinum; ''Irid.'' or ''Ir.'' for Iridium; ''Pall.'' or ''Pd.'' for Palladium; ''Ruth.'' or ''Ru.'' for Ruthenium; ''Rhod.'' or ''Rh.'' for Rhodium; and ''Osmi.'' or ''Os.'' for Osmium.

(2) An industry product consisting of at least 950 parts per thousand pure Platinum may be marked or described as ''Platinum.''

(3) An industry product consisting of 850 parts per thousand pure Platinum, 900 parts per thousand pure Platinum, or 950 parts per thousand pure Platinum may be marked ''Platinum,'' provided that the Platinum marking is preceded by a number indicating the amount in parts per thousand of pure Platinum (for industry products consisting of 950 parts per thousand pure Platinum, the marking described in § 23.7(b) (2) above is also appropriate). Thus, the following markings may be used: ''950Pt.,'' ''950Plat.,'' ''900Pt.,'' ''900Plat.,'' ''850Pt.,'' or ''850Plat.''

(4) An industry product consisting of at least 950 parts per thousand PGM, and of at least 500 parts per thousand pure Platinum, may be marked ''Platinum,'' provided that the mark of each PGM constituent is preceded by a number indicating the amount in parts per thousand of each PGM, as for example, ''600Pt.350Ir.,'' ''600Plat.350Irid.,'' ''550Pt.350Pd.50Ir.,'' or ''550Plat.350Pall.50Irid.''

(5) An industry product consisting of at least 500 parts per thousand, but less than 850 parts per thousand, pure Platinum, and not consisting of at least 950 parts per thousand PGM, may be marked accurately, with a quality marking on the article, using parts per thousand and standard chemical abbreviations (*e.g.,* 585 Pt., 415 Co.).

Note to § 23.6: Exemptions recognized in the assay of platinum industry products are listed in appendix A of this part.

§ 23.7 Disclosure of surface-layer of application of rhodium.

It is unfair or deceptive to fail to disclose a surface-layer application of rhodium on products marked or described as precious metal.

§ 23.8 Misrepresentation as to products containing more than one precious metal.

(a) It is unfair or deceptive to misrepresent the relative quantity of each precious metal in a product that contains more than than one precious metal. Marketers should list precious metals in the order of their relative weight in the product from greatest to least (*i.e.,* leading with the predominant metal). Listing precious metals in order of relative weight is not necessary where it is clear to reasonable consumers from context that the metal listed first is not predominant.

(b) The following are examples of markings or descriptions that may be misleading:

(1) Use of the terms ''Platinum + Silver'' to describe a product that contains more silver than platinum by weight.

(2) Use of the terms ''14K/Sterling'' to describe a product that contains more silver than gold by weight.

(c) The following are examples of markings and descriptions that are not considered unfair or deceptive:

(1) For a product comprised primarily of silver with a surface-layer application of platinum, ''900 platinum over silver.''

(2) For a product comprised primarily of silver with visually distinguishable parts of gold, ''14k gold-accented silver.''

(3) For a product comprised primarily of gold with visually distinguishable parts of platinum, ''850 Platinum inset, 14K gold ring.''

§ 23.9 Misrepresentation as to content of pewter.

(a) It is unfair or deceptive to mark, describe, or otherwise represent all or part of an industry product as ''Pewter'' or any abbreviation if such mark or description misrepresents the product's true composition.

(b) An industry product or part thereof may be described or marked as ''Pewter'' or any abbreviation if it consists of at least 900 parts per 1000 Grade A Tin, with the remainder composed of metals appropriate for use in pewter.

§ 23.10 Additional guidance for the use of quality marks.

As used in these guides, the term *quality mark* means any letter, figure, numeral, symbol, sign, word, or term, or any combination thereof, that has been stamped, embossed, inscribed, or otherwise placed on any industry product and which indicates or suggests that any such product is composed throughout of any precious metal or any precious metal alloy or has a surface or surfaces on which there has been plated or deposited any precious metal or precious metal alloy. Included are the words ''gold,'' ''karat,'' ''carat,'' ''silver,'' ''sterling,'' ''vermeil,'' ''platinum,'' ''iridium,'' ''palladium,'' ''ruthenium,'' ''rhodium,'' or ''osmium,'' or any abbreviations thereof, whether used alone or in conjunction with the words ''filled,'' ''plated, ''overlay,'' or ''electroplated,'' or any abbreviations thereof. Quality markings include those in which the words or terms ''gold,'' ''karat,'' ''silver,'' ''vermeil,'' ''platinum'' (or platinum group metals), or their abbreviations are included, either separately or as suffixes, prefixes, or syllables.

(a) Deception as to applicability of marks.

(1) If a quality mark on an industry product is applicable to only part of the product, the part of the product to which it is applicable (or inapplicable) should be disclosed when, absent such disclosure, the location of the mark misrepresents the product or part's true composition.

(2) If a quality mark is applicable to only part of an industry product, but not another part, which is of similar surface appearance, each quality mark should be closely accompanied by an identification of the part or parts to which the mark is applicable.

(b) Deception by reason of difference in the size of letters or words in a marking or markings. It is unfair or deceptive to place a quality mark on a product in which the words or letters appear in greater size than other words or letters of the mark, or when different markings placed on the product have different applications and are in different sizes, when the net impression of any such marking would be misleading as to the metallic composition of all or part of the product. (An example of improper marking would be the marking of a gold electroplated product with the word ''electroplate'' in small type and the word ''gold'' in larger type, with the result that purchasers and prospective

purchasers of the product might only observe the word ''gold.'')

Note 1 to § 23.10: Legibility of markings. If a quality mark is engraved or stamped on an industry product, or is printed on a tag or label attached to the product, the quality mark should be of sufficient size type as to be legible to persons of normal vision, should be so placed as likely to be observed by purchasers, and should be so attached as to remain thereon until consumer purchase.

Note 2 to § 23.10: Disclosure of identity of manufacturers, processors, or distributors. The National Stamping Act provides that any person, firm, corporation, or association, being a manufacturer or dealer subject to section 294 of the Act, who applies or causes to be applied a quality mark, or imports any article bearing a quality mark ''which indicates or purports to indicate that such article is made in whole or in part of gold or silver or of an alloy of either metal'' shall apply to the article the trademark or name of such person. 15 U.S.C. 297.

§ 23.11 Misuse of ''corrosion proof,'' ''noncorrosive,'' ''corrosion resistant,'' ''rust proof,'' ''rust resistant,'' etc.

(a) It is unfair or deceptive to:

(1) Use the terms ''corrosion proof,'' ''noncorrosive,'' ''rust proof,'' or any other term of similar meaning to describe an industry product unless all parts of the product will be immune from rust and other forms of corrosion during the life expectancy of the product; or

(2) Use the terms ''corrosion resistant,'' ''rust resistant,'' or any other term of similar meaning to describe an industry product unless all parts of the product are of such composition as to not be subject to material damage by corrosion or rust during the major portion of the life expectancy of the product under normal conditions of use.

(b) Among the metals that may be considered as corrosion (and rust) resistant are: Pure nickel; Gold alloys of not less than 10 Kt. fineness; and Austenitic stainless steels.

§ 23.12 Definition and misuse of the word ''diamond.''

(a) A diamond is a natural mineral consisting essentially of pure carbon crystallized in the isometric system. It is found in many colors. Its hardness is 10; its specific gravity is approximately 3.52; and it has a refractive index of 2.42.

(b) It is unfair or deceptive to use the unqualified word ''diamond'' to describe or identify any object or product not meeting the requirements specified in the definition of diamond provided above, or which, though meeting such requirements, has not been symmetrically fashioned with at least seventeen (17) polished facets.

Note to paragraph (b): It is unfair or deceptive to represent, directly or by implication, that industrial grade diamonds or other non-jewelry quality diamonds are of jewelry quality.

(c) The following are examples of descriptions that are not considered unfair or deceptive:

(1) The use of the words ''rough diamond'' to describe or designate uncut or unfaceted objects or products satisfying the definition of diamond provided above; or

(2) The use of the word ''diamond'' to describe or designate objects or products satisfying the definition of diamond but which have not been symmetrically fashioned with at least seventeen (17) polished facets when in immediate conjunction with the word ''diamond'' there is either a disclosure of the number of facets and shape of the diamond or the name of a type of diamond that denotes shape and that usually has less than seventeen (17) facets (*e.g.,* ''rose diamond'').

(3) The use of the word ''cultured'' to describe laboratory-created diamonds if the term is immediately accompanied, with equal conspicuousness, by the words ''laboratory-created,'' ''laboratory-grown,'' ''[manufacturer name]-created,'' ''synthetic,'' or by some other word or phrase of like meaning, so as to clearly disclose that it is a laboratory-created product.

Note to paragraph (c): Additional guidance about imitation and laboratory-created diamond representations and misuse of words ''gem,'' ''real,'' ''genuine,'' ''natural,'' etc., are set forth in §§ 23.24 and 23.25.

§ 23.13 Misuse of the words ''flawless,'' ''perfect,'' etc.

(a) It is unfair or deceptive to use the word ''flawless'' to describe any diamond that discloses flaws, cracks, inclusions, carbon spots, clouds, internal lasering, or other blemishes or imperfections of any sort when examined under a corrected magnifier at 10-power, with adequate illumination, by a person skilled in diamond grading.

(b) It is unfair or deceptive to use the word ''perfect,'' or any representation of similar meaning, to describe any diamond unless the diamond meets the definition of ''flawless'' and is not of inferior color or make.

(c) It is unfair or deceptive to use the words ''flawless'' or ''perfect'' to describe a ring or other article of jewelry having a ''flawless'' or ''perfect'' principal diamond or diamonds, and supplementary stones that are not of such quality, unless there is a disclosure that the description applies only to the principal diamond or diamonds.

§ 23.14 Disclosure of treatments to diamonds.

A diamond is a gemstone product. Treatments to diamonds should be disclosed in the manner prescribed in § 23.24 of these guides, Disclosure of treatments to gemstones.

§ 23.15 Misuse of the term ''blue white.''

It is unfair or deceptive to use the term ''blue white'' or any representation of similar meaning to describe any diamond that under normal, north daylight or its equivalent shows any color or any trace of any color other than blue or bluish.

§ 23.16 Misuse of the term ''properly cut,'' etc.

It is unfair or deceptive to use the terms ''properly cut,'' ''proper cut,'' ''modern cut,'' or any representation of similar meaning to describe any diamond that is lopsided, or is so thick or so thin in depth as to detract materially from the brilliance of the stone.

Note to § 23.16: Stones that are commonly called ''fisheye'' or ''old mine'' should not be described as ''properly cut,'' ''modern cut,'' etc.

§ 23.17 Misuse of the words ''brilliant'' and ''full cut.''

It is unfair or deceptive to use the unqualified expressions ''brilliant,'' ''brilliant cut,'' or ''full cut'' to describe, identify, or refer to any diamond except a round diamond that has at least thirty-two (32) facets plus the table above the girdle and at least twenty-four (24) facets below.

Note to § 23.17: Such terms should not be applied to single or rose-cut diamonds. They may be applied to emerald-(rectangular) cut, pear-shaped, heart-shaped, oval-shaped, and marquise-(pointed oval) cut diamonds meeting the above-stated facet requirements when, in immediate conjunction with the term used, the form of the diamond is disclosed.

§ 23.18 Misrepresentation of weight and ''total weight.''

(a) It is unfair or deceptive to misrepresent the weight of a diamond.

(b) It is unfair or deceptive to use the word ''point'' or any abbreviation in any representation, advertising, marking, or labeling to describe the weight of a diamond, unless the weight is also stated as decimal parts of a carat (*e.g.,* 25 points or .25 carat).

Note to paragraph (b): A carat is a standard unit of weight for a diamond and is equivalent to 200 milligrams (⅕ gram). A point is one one hundredth (1/100) of a carat.

(c) If diamond weight is stated as decimal parts of a carat (*e.g.,* .47 carat),

the stated figure should be accurate to the last decimal place. If diamond weight is stated to only one decimal place (*e.g.,* .5 carat), the stated figure should be accurate to the second decimal place (*e.g.,* ''.5 carat'' could represent a diamond weight between .495–.504).

(d) If diamond weight is stated as fractional parts of a carat, a conspicuous disclosure of the fact that the diamond weight is not exact should be made in close proximity to the fractional representation and a disclosure of a reasonable range of weight for each fraction (or the weight tolerance being used) should also be made.

Note to paragraph (d): When fractional representations of diamond weight are made, as described in paragraph (d) of this section, in catalogs or other printed materials, the disclosure of the fact that the actual diamond weight is within a specified range should be made conspicuously on every page where a fractional representation is made. Such disclosure may refer to a chart or other detailed explanation of the actual ranges used. For example, ''Diamond weights are not exact; see chart on p.X for ranges.''

§ 23.19 Definitions of various pearls.

As used in these guides, the terms set forth below have the following meanings:

(a) Pearl: A calcareous concretion consisting essentially of alternating concentric layers of carbonate of lime and organic material formed within the body of certain mollusks, the result of an abnormal secretory process caused by an irritation of the mantle of the mollusk following the intrusion of some foreign body inside the shell of the mollusk, or due to some abnormal physiological condition in the mollusk, neither of which has in any way been caused or induced by humans.

(b) Cultured pearl: The composite product created when a nucleus (usually a sphere of calcareous mollusk shell) planted by humans inside the shell or in the mantle of a mollusk is coated with nacre by the mollusk.

(c) Imitation pearl: A manufactured product composed of any material or materials that simulate in appearance a pearl or cultured pearl.

(d) Seed pearl: A small pearl, as defined in (a), that measures approximately two millimeters or less.

§ 23.20 Misuse of the word ''pearl.''

(a) It is unfair or deceptive to use the unqualified word ''pearl'' or any other word or phrase of like meaning to describe, identify, or refer to any object or product that is not in fact a pearl, as defined in § 23.19(a).

(b) It is unfair or deceptive to use the word ''pearl'' to describe, identify, or refer to a cultured pearl unless it is immediately preceded, with equal conspicuousness, by the word ''cultured'' or ''cultivated,'' or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is not a pearl.

(c) It is unfair or deceptive to use the word ''pearl'' to describe, identify, or refer to an imitation pearl unless it is immediately preceded, with equal conspicuousness, by the word ''artificial,'' ''imitation,'' or ''simulated,'' or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is not a pearl.

(d) It is unfair or deceptive to use the terms ''faux pearl,'' ''fashion pearl,'' ''Mother of Pearl,'' or any other such term to describe or qualify an imitation pearl product unless it is immediately preceded, with equal conspicuousness, by the word ''artificial,'' ''imitation,'' or ''simulated,'' or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is not a pearl.

§ 23.21 Misuse of terms such as ''cultured pearl,'' ''seed pearl,'' ''Oriental pearl,'' ''natura,'' ''kultured,'' ''real,'' ''synthetic,'' and regional designations.

(a) It is unfair or deceptive to use the term ''cultured pearl,'' ''cultivated pearl,'' or any other word, term, or phrase of like meaning to describe, identify, or refer to any imitation pearl.

(b) It is unfair or deceptive to use the term ''seed pearl'' or any word, term, or phrase of like meaning to describe, identify, or refer to a cultured or an imitation pearl, without using the appropriate qualifying term ''cultured'' (*e.g.,* ''cultured seed pearl'') or ''simulated,'' ''artificial,'' or ''imitation'' (*e.g.,* ''imitation seed pearl'').

(c) It is unfair or deceptive to use the term ''Oriental pearl'' or any word, term, or phrase of like meaning to describe, identify, or refer to any industry product other than a pearl taken from a salt water mollusk and of the distinctive appearance and type of pearls obtained from mollusks inhabiting the Persian Gulf and recognized in the jewelry trade as Oriental pearls.

(d) It is unfair or deceptive to use the word ''Oriental'' to describe, identify, or refer to any cultured or imitation pearl.

(e) It is unfair or deceptive to use the word ''natura,'' ''natural,'' ''nature's,'' or any word, term, or phrase of like meaning to describe, identify, or refer to a cultured or imitation pearl. It is unfair or deceptive to use the term ''organic'' to describe, identify, or refer to an imitation pearl, unless the term is qualified in such a way as to make clear that the product is not a natural or cultured pearl.

(f) It is unfair or deceptive to use the term ''kultured,'' ''semi-cultured pearl,'' ''cultured-like,'' ''part-cultured,'' ''premature cultured pearl,'' or any word, term, or phrase of like meaning to describe, identify, or refer to an imitation pearl.

(g) It is unfair or deceptive to use the term ''South Sea pearl'' unless it describes, identifies, or refers to a pearl that is taken from a salt water mollusk of the Pacific Ocean South Sea Islands, Australia, or Southeast Asia. It is unfair or deceptive to use the term ''South Sea cultured pearl'' unless it describes, identifies, or refers to a cultured pearl formed in a salt water mollusk of the Pacific Ocean South Sea Islands, Australia, or Southeast Asia.

(h) It is unfair or deceptive to use the term ''Biwa cultured pearl'' unless it describes, identifies, or refers to cultured pearls grown in fresh water mollusks in the lakes and rivers of Japan.

(i) It is unfair or deceptive to use the word ''real,'' ''genuine,'' ''precious,'' or any word, term, or phrase of like meaning to describe, identify, or refer to any imitation pearl.

(j) It is unfair or deceptive to use the word ''synthetic'' or similar terms to describe cultured or imitation pearls.

(k) It is unfair or deceptive to use the terms ''Japanese Pearls,'' ''Chinese Pearls,'' ''Mallorca Pearls,'' or any regional designation to describe, identify, or refer to any cultured or imitation pearl, unless the term is immediately preceded, with equal conspicuousness, by the word ''cultured,'' ''artificial,'' ''imitation,'' or ''simulated,'' or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is a cultured or imitation pearl.

§ 23.22 Misrepresentation as to cultured pearls.

It is unfair or deceptive to misrepresent the manner in which cultured pearls are produced, the size of the nucleus artificially inserted in the mollusk and included in cultured pearls, the length of time that such products remained in the mollusk, the thickness of the nacre coating, the value and quality of cultured pearls as compared with the value and quality of pearls and imitation pearls, or any other material matter relating to the formation, structure, properties, characteristics, and qualities of cultured pearls.

§ 23.23 Disclosure of treatments to pearls and cultured pearls.

It is unfair or deceptive to fail to disclose that a pearl or cultured pearl has been treated if:

(a) The treatment is not permanent. The seller should disclose that the pearl or cultured pearl has been treated and that the treatment is or may not be permanent;

(b) The treatment creates special care requirements for the pearl or cultured pearl. The seller should disclose that the pearl or cultured pearl has been treated and has special care requirements. It is also recommended that the seller disclose the special care requirements to the purchaser;

(c) The treatment has a significant effect on the product's value. The seller should disclose that the pearl or cultured pearl has been treated.

Note to § 23.23: The disclosures outlined in this section are applicable to sellers at every level of trade, as defined in § 23.0(b) of these Guides, and they may be made at the point of sale prior to sale, except that where a product can be purchased without personally viewing the product (*e.g.,* direct mail catalogs, online services, televised shopping programs), disclosure should be made in the solicitation for, or description of, the product.

§ 23.24 Disclosure of treatments to gemstones.

It is unfair or deceptive to fail to disclose that a gemstone has been treated if:

(a) The treatment is not permanent. The seller should disclose that the gemstone has been treated and that the treatment is or may not be permanent;

(b) The treatment creates special care requirements for the gemstone. The seller should disclose that the gemstone has been treated and has special care requirements. It is also recommended that the seller disclose the special care requirements to the purchaser;

(c) The treatment has a significant effect on the stone's value. The seller should disclose that the gemstone has been treated.

Note to § 23.24: The disclosures outlined in this section are applicable to sellers at every level of trade, as defined in § 23.0(b) of these Guides, and they may be made at the point of sale prior to sale; except that where a product can be purchased without personally viewing the product (*e.g.,* direct mail catalogs, online services, televised shopping programs), disclosure should be made in the solicitation for, or description of, the product.

[65 FR 78743, Dec. 15, 2000]

§ 23.25 Misuse of the words ''ruby,'' ''sapphire,'' ''emerald,'' ''topaz,'' ''stone,'' ''birthstone,'' ''gem,'' ''gemstone,'' etc.

(a) It is unfair or deceptive to use the unqualified words ''ruby,'' ''sapphire,'' ''emerald,'' ''topaz,'' or the name of any other precious or semi-precious stone to describe any product that is not in fact a natural stone of the type described.

(b) It is unfair or deceptive to use the word ''ruby,'' ''sapphire,'' ''emerald,'' ''topaz,'' or the name of any other precious or semi-precious stone, or the word ''stone,'' ''birthstone,'' ''gem,'' ''gemstone,'' or similar term to describe a laboratory-grown, laboratory-created, [manufacturer name]-created, synthetic, imitation, or simulated stone, unless such word or name is immediately preceded with equal conspicuousness by the word ''laboratory-grown,'' ''laboratory-created,'' ''[manufacturer name]-created,'' ''synthetic,'' or by the word ''imitation'' or ''simulated,'' so as to disclose clearly the nature of the product and the fact it is not a natural gemstone.

Note to paragraph (b): The use of the word ''faux'' to describe a laboratory-created or imitation stone is not an adequate disclosure that the stone is not natural.

(c) It is unfair or deceptive to use the word ''laboratory-grown,'' ''laboratory-created,'' ''[manufacturer name]-created,'' or ''synthetic'' with the name of any natural stone to describe any industry product unless such industry product has essentially the same optical, physical, and chemical properties as the stone named.

Note to § 23.25: It would be unfair or deceptive to describe products filled with a substantial quantity of lead glass in the following way:

(1) With the unqualified word ''ruby,'' ''sapphire,'' ''emerald,'' ''topaz,'' or name of any other precious or semi-precious stone;

(2) As a ''treated ruby'' or other ''treated'' precious or semi-precious stone;

(3) As a ''laboratory-grown,'' ''laboratory-created,'' ''[manufacturer name]-created,'' or ''synthetic'' ''ruby'' or other natural stone;

(4) As a ''composite ruby'' or other ''composite'' precious or semi-precious stone without qualification;

(5) As a ''hybrid ruby'' or other ''hybrid'' precious or semi-precious stone without qualification; or

(6) As a ''manufactured ruby'' or other ''manufactured'' precious or semi-precious stone without qualification.

The following are examples of descriptions for such products that are not considered deceptive:

(1) use of the terms ''lead-glass filled corundum'' or ''lead-glass filled composite corundum'' to describe a product made with low-grade corundum (not ruby) that is infused with lead glass;

(2) use of the terms ''lead-glass-filled ruby'' or ''lead-glass-filled composite ruby'' to describe a product made with ruby that is infused with lead glass.

§ 23.26 Misuse of the words ''real,'' ''genuine,'' ''natural,'' ''precious,'' etc.

It is unfair or deceptive to use the word ''real,'' ''genuine,'' ''natural,'' ''precious,'' ''semi-precious,'' or similar terms to describe any industry product that is manufactured or produced artificially.

§ 23.27 Misrepresentation as to varietal name.

(a) It is unfair or deceptive to mark or describe an industry product with the incorrect varietal name.

(b) The following are examples of marking or descriptions that may be misleading:

(1) Use of the term ''yellow emerald'' to describe golden beryl or heliodor.

(2) Use of the term ''green amethyst'' to describe prasiolite.

Note to § 23.27: A varietal name is given for a division of gem species or genus based on a color, type of optical phenomenon, or other distinguishing characteristic of appearance.

§ 23.28 Misuse of the words ''flawless,'' ''perfect,'' etc.

(a) It is unfair or deceptive to use the word ''flawless'' as a quality description of any gemstone that discloses blemishes, inclusions, or clarity faults of any sort when examined under a corrected magnifier at 10-power, with adequate illumination, by a person skilled in gemstone grading.

(b) It is unfair or deceptive to use the word ''perfect'' or any representation of similar meaning to describe any gemstone unless the gemstone meets the definition of ''flawless'' and is not of inferior color or make.

(c) It is unfair or deceptive to use the word ''flawless,'' ''perfect,'' or any representation of similar meaning to describe any imitation gemstone.

Appendix to Part 23—Exemptions Recognized in the Assay for Quality ff Gold Alloy, Gold Filled, Gold Overlay, Rolled Gold Plate, Silver, and Platinum Industry Products

(a) Exemptions recognized in the industry and not to be considered in any assay for quality of a karat gold industry product include springs, posts, and separable backs of lapel buttons, posts and nuts for attaching interchangeable ornaments, metallic parts completely and permanently encased in a nonmetallic covering, field pieces and bezels for lockets,[7] and wire pegs or rivets used for

[7] Field pieces of lockets are those inner portions used as frames between the inside edges of the locket and the spaces for holding pictures. Bezels are the separable inner metal rings to hold the pictures in place.

applying mountings and other ornaments, which mountings or ornaments shall be of the quality marked.

Note: Exemptions recognized in the industry and not to be considered in any assay for quality of a karat gold optical product include: the hinge assembly (barrel or other special types such as are customarily used in plastic frames); washers, bushings, and nuts of screw assemblies; dowels; springs for spring shoe straps; metal parts permanently encased in a non-metallic covering; and for oxfords,[8] coil and joint springs.

(b) Exemptions recognized in the industry and not to be considered in any assay for quality of a gold filled, gold overlay and rolled gold plate industry product, other than watchcases, include joints, catches, screws, pin stems, pins of scarf pins, hat pins, etc., field pieces and bezels for lockets, posts and separate backs of lapel buttons, bracelet and necklace snap tongues, springs, and metallic parts completely and permanently encased in a nonmetallic covering.

Note: Exemptions recognized in the industry and not to be considered in any assay for quality of a gold filled, gold overlay and rolled gold plate optical product include: screws; the hinge assembly (barrel or other special types such as are customarily used in plastic frames); washers, bushings, tubes and nuts of screw assemblies; dowels; pad inserts; springs for spring shoe straps, cores and/or inner windings of comfort cable temples; metal parts permanently encased in a nonmetallic covering; and for oxfords, the handle and catch.

(c) Exemptions recognized in the industry and not to be considered in any assay for quality of a silver industry product include screws, rivets, springs, spring pins for wrist watch straps; posts and separable backs of lapel buttons; wire pegs, posts, and nuts used for applying mountings or other ornaments, which mountings or ornaments shall be of the quality marked; pin stems (*e.g.,* of badges, brooches, emblem pins, hat pins, and scarf pins, etc.); levers for belt buckles; blades and skeletons of pocket knives; field pieces and bezels for lockets; bracelet and necklace snap tongues; any other joints, catches, or screws; and metallic parts completely and permanently encased in a nonmetallic covering.

(d) Exemptions recognized in the industry and not to be considered in any assay for quality of an industry product of silver in combination with gold include joints, catches, screws, pin stems, pins of scarf pins, hat pins, etc., posts and separable backs of lapel buttons, springs, and metallic parts completely and permanently encased in a nonmetallic covering.

(e) Exemptions recognized in the industry and not to be considered in any assay for quality of a platinum industry product include springs, winding bars, sleeves, crown cores, mechanical joint pins, screws, rivets, dust bands, detachable movement rims, hat pin stems, and bracelet and necklace snap tongues. In addition, the following exemptions are recognized for products marked in accordance with § 23.6(b)(5) of these Guides (*i.e.,* products that are less than 500 parts per thousand platinum): pin tongues, joints, catches, lapel button backs and the posts to which they are attached, scarf-pin stems, hat pin sockets, shirt-stud backs, vest-button backs, and ear screw backs, provided such parts are made of the same quality platinum as is used in the balance of the article.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–00107 Filed 1–11–16; 8:45 am]

BILLING CODE 6750–01–P

[8] Oxfords are a form of eyeglasses where a flat spring joins the two eye rims and the tension it exerts on the nose serves to hold the unit in place. Oxfords are also referred to as pince nez.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

RIN 3038–AE16

Alternative to Fingerprinting Requirement for Foreign Natural Persons

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is proposing to amend existing Commission regulations to establish an alternative to fingerprinting to evaluate the fitness of natural persons who are required to submit fingerprints under the Commission's regulations and who have not resided in the United States since reaching 18 years of age (''Proposal'').

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

ADDRESSES: You may submit comments, identified by RIN 3038–AE16, by any of the following methods:

- *Agency Web site: Via its Comments Online process: http://comments.cftc.gov.* Follow the instructions on the Web site for submitting comments.
- *Mail:* Send to Christopher Kirkpatrick, Secretary, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.
- *Hand delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal:* at *http://www.regulations.gov/.* Follow the instructions for submitting comments.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that is exempt from disclosure under the Freedom of Information Act,[1] a petition for confidential treatment of the exempt information may be submitted according to the procedures set forth in § 145.9 of the Commission's regulations.[2]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Katherine Driscoll, Associate Chief Counsel, 202–418–5544, *kdriscoll@cftc.gov;* Jacob Chachkin, Special Counsel, 202–418–5496, *jchachkin@cftc.gov;* or Adam Kezsbom, Special Counsel, 202–418–5372, *akezsbom@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

Subject to certain exceptions and exclusions, persons engaging in specified activities involving commodity interests [3] are required pursuant to the Commodity Exchange Act (''CEA'' or ''Act'') and/or Commission regulations [4] to register with the Commission in certain registration categories. These include registration as a futures commission merchant (''FCM''), retail foreign exchange dealer (''RFED''), introducing broker (''IB''), commodity pool operator (''CPO''), commodity trading advisor (''CTA''), swap dealer (''SD''), major

[1] 5 U.S.C. 552.

[2] Commission regulations referred to herein are found at 17 CFR chapter. 1. Commission regulations are accessible on the Commission's Web site, *http://www.cftc.gov.*

[3] A commodity interest is (1) any contract for the purchase or sale of a commodity for future delivery; (2) any contract, agreement or transaction subject to a Commission regulation under section 4c or 19 of the Commodity Exchange Act; (3) any contract, agreement or transaction subject to Commission jurisdiction under section 2(c)(2) of such Act; and (4) Any swap as defined in such Act, by the Commission, or jointly by the Commission and the Securities and Exchange Commission. 17 CFR 1.3(yy).

[4] *See, e.g.,* Commission regulation 3.4(a). 17 CFR 3.4(a).

swap participant (''MSP''), leverage transaction merchant (''LTM''), floor broker (''FB''), and floor trader (''FT'').[5] One of the critically important functions of registration is to allow the Commission to ensure that all futures and swaps industry professionals who deal with the public meet minimum standards of fitness and competency.[6] The fitness investigations that are part of the registration process permit the Commission and/or its delegatees to (a) uncover past misconduct that may disqualify an individual or entity from registration and (b) help determine if such persons have disclosed all matters required to be disclosed in their applications to become registered with the Commission.[7]

Pursuant to the registration process for determining a registrant's fitness in part 3 of the Commission's regulations, natural persons [8] that wish to be principals [9] or associated persons [10] of Commission registrants, or who are responsible for entry of orders from an FB's or FT's own account, are required to submit their fingerprints [11] (the ''Fingerprinting Requirement'').[12]

The Commission has delegated to National Futures Association (''NFA''), a registered futures association under Section 17 of the CEA, the registration functions set forth in subparts A, B, and C of part 3 of the Commission's regulations, including the collection and review of a completed Form 8–R [13] and related fingerprint submissions from each natural person completing a Form 8–R.[14] NFA, working with law enforcement agencies, uses these fingerprints to conduct background checks on these natural persons to assist in determining their fitness.

In December 2012, the Commission's Division of Swap Dealer and Intermediary Oversight (''DSIO''), in response to concerns raised by industry participants that the Fingerprinting Requirement was unduly burdensome to foreign natural persons and after considering those concerns in light of the continued need to evaluate the fitness of those persons, issued a no-action letter, CFTC Staff Letter No. 12–49.[15] CFTC Staff Letter No. 12–49 provides an alternative to complying with the Fingerprinting Requirement for principals of LTMs, FCMs, RFEDs, IBs, CPOs, CTAs, SDs, and MSPs that have not resided in the United States since reaching 18 years of age. Subject to certain conditions specified in the letter, DSIO staff stated that it would not recommend that the Commission commence an enforcement action against any such firm based solely upon that firm's failure to submit with its registration application a fingerprint card for each such principal.

To rely on the relief provided in CFTC Staff Letter No. 12–49, DSIO staff required that any such firm submit, for each principal, *either* a fingerprint card (as required under Commission regulation 3.10(a)(2)) *or* a certification, signed by a person with authority to bind such firm, stating that: (1) A reasonable criminal history background check using a reputable commercial service had been conducted; (2) such criminal history background check did not reveal any matters that constitute a disqualification under Sections 8a(2) or 8a(3) of the CEA,[16] other than those disclosed; and (3) such firm would maintain, in accordance with Commission regulation 1.31, records documenting that such criminal history background check was performed and the results of such background check.[17]

After issuing CFTC Staff Letter No. 12–49, DSIO staff issued similar no-action relief from the Fingerprinting Requirement for associated persons of FCMs, RFEDs, IBs, CTAs, CPOs, and LTMs that have not resided in the United States since reaching 18 years of age in CFTC Staff Letter No. 13–29 [18] (CFTC Staff Letter No. 13–29, together with CFTC Staff Letter No. 12–49, are the ''DSIO No-Action Letters'' and the relief provided by such letters is the ''DSIO No-Action Relief'').

II. Proposal

The Commission is proposing to amend the Fingerprinting Requirement by adding a new sub-section (e) to the existing list of exemptions from the Fingerprinting Requirement in § 3.21 [19] to codify and clarify the DSIO No-Action Relief.

This Proposal differs from the DSIO No-Action Relief. First, this Proposal would extend the relief to certain natural persons connected to FBs and FTs. Second, the Proposal would include all requirements to provide a fingerprint card under Part 3 of the Commission's regulations, whereas the DSIO No-Action Relief is more limited.[20] As a result, this Proposal broadens the availability of the alternative to fingerprinting provided in

[5] For the definitions of these registration categories (other than RFED), *see* Section 1a of the CEA and Commission regulation 1.3. 7 U.S.C. 1a and 17 CFR 1.3. For the definition of RFED, *see* Commission regulation 5.1(h). 17 CFR 5.1(h).

[6] *See, e.g.,* Commodity Futures Trading Comm'n, Division of Clearing and Intermediary Oversight, Public Report on the Registration Program of the National Futures Association, June 2010, at 1 (*citing* H.R. REP. NO. 97–565(I), at 48 (1982), *reprinted in* 1982 U.S.C.C.A.N. 3871, 3897–3899).

[7] *See http://www.nfa.futures.org/NFA-registration/index.HTML* (last visited Dec. 22, 2015), stating that ''[t]he primary purposes of registration are to screen an applicant's fitness to engage in business as a futures professional and to identify those individuals and organizations whose activities are subject to federal regulation.''

Pursuant to Commission regulation 3.60, the Commission may, subject to some limitations, deny, grant with conditions, suspend, revoke, or restrict registration to an applicant if the Commission alleges and is prepared to prove that the registrant or applicant is subject to one or more of the statutory disqualifications set forth in section 8a(2), 8a(3) or 8a(4) of the Act. 17 CFR 3.60. Sections 8a(2) and 8a(3) of the Act contain an extensive list of matters that provide grounds for refusing or conditioning an applicant's registration, including, without limitation, felony convictions, commodities or securities law violations, bars or other adverse actions taken by financial regulators, and willfully omitting to state any material fact in an application. *See* 7 U.S.C. 12a(2) and (3). *See also* Interpretative Statement With Respect to Section 8a(2)(C) and (E) and Section 8a(3)(J) and (M) of the Commodity Exchange Act, Appendix A to part 3 of the Commission's regulations.

[8] As used herein, the terms ''natural person'' and ''individual'' have the same meaning.

[9] *See* the definition of principal in Commission regulation 3.1(a). 17 CFR 3.1(a).

[10] An ''associated person'' is any natural person who is associated in certain capacities with an FCM, RFED, IB, CPO, CTA, SD, MSP, or LTM. 17 CFR 1.3(aa).

[11] Currently, the Commission may, directly or indirectly, require fingerprinting pursuant to Commission regulations 3.10(a)(2); 3.11(a)(1); 3.12(c)(3), d(2), f(3), or (i)(3); 3.40(a)(1), (a)(2), or (b); 3.44(a)(5) or (c); or 3.46(a)(3). 17 CFR 3.10(a)(2); 3.11(a)(1); 3.12(c)(3), d(2), f(3), and (i)(3); 3.40(a)(1), (a)(2), and (b); 3.44(a)(5) and (c); and 3.46(a)(3).

[12] In support of its initial promulgation of the fingerprinting requirements, the Commission stated that these requirements ''are necessary to permit improvements in the Commission's background checking of applicants for registration, to permit positive identification of certain individuals with common names, to reduce the number of applications filed by individuals who are unfit for registration, and to facilitate fitness reviews of registrants on a spot and periodic basis.'' *See* Revision of Registration Regulations; Final Rules; Designation of New Part, 45 FR 80485, 80485 (Dec. 5, 1980).

[13] Generally, Form 8–R is the Commission's application for natural persons that are associated persons or principals of a registrant.

[14] *See* 17 CFR 3.2(a).

[15] CFTC Staff Letter No. 12–49 (Dec. 11, 2012), *available at http://www.cftc.gov/ucm/groups/public/@lrlettergeneral/documents/letter/12-49.pdf.*

[16] 7 U.S.C. 12a(2) and (3).

[17] CFTC Staff Letter No. 12–49, at 2.

[18] CFTC Staff Letter No. 13–29 (Jun. 21, 2013), *available at http://www.cftc.gov/ucm/groups/public/@lrlettergeneral/documents/letter/13-29.pdf.*

[19] Commission regulation 3.21 provides exemptions to the Fingerprinting Requirement, subject to certain conditions, for persons whose fingerprints have recently been identified and processed by the Federal Bureau of Investigation, for persons whose application for initial registration with the Commission in any capacity was recently granted, for persons that have a current Form 8–R on file with the Commission or NFA, and for principals that are outside directors. 17 CFR 3.21.

[20] The DSIO No-Action Letters provide an alternative solely to the requirements of Commission regulations 3.10(a)(2) and 3.12(c)(3). *See* DSIO No-Action Letters.

the DSIO No-Action Letters; however, the Commission believes that the rationale for providing the alternative to fingerprinting described above is equally applicable to natural persons connected to FBs and FTs and to all other requirements to provide a fingerprint card under Part 3 of the Commission's regulations, as explained further below.

Proposed sub-section (e)(2) of § 3.21 would provide that the obligation to provide a fingerprint card for a Foreign Natural Person under part 3 of the Commission's regulations would be deemed satisfied for a Certifying Firm (each, as defined below) if: (a) Such Certifying Firm causes a criminal history background check of such Foreign Natural Person to be performed; (b) such criminal history background check does not reveal any matters that constitute a disqualification under Sections 8a(2) or 8a(3) of the CEA,[21] other than those disclosed to NFA; and (c) a person authorized by such Certifying Firm submits, in reliance on such criminal history background check, a certification by such Certifying Firm to NFA.

The certification must: (i) State that the conditions described above have been satisfied; and (ii) be signed by a person authorized by such Certifying Firm to make such certification. In addition, each criminal history background check must: (a) Be of a type that would reveal all matters listed under Sections 8a(2)(D) or 8a(3)(D), (E), or (H) of the CEA [22] relating to the Foreign Natural Person and (b) be completed not more than one calendar year prior to the date that such Certifying Firm submits the certification to NFA described in the proposed rule.

In terms of definitions, proposed paragraph 3.21(e)(1)(i) would define Foreign Natural Person, solely for purposes of paragraph (e), as any natural person who has not resided in the United States since reaching the age of 18 years. Also, proposed paragraph 3.21(e)(1)(ii) would define Certifying Firm, also solely for purposes of paragraph (e), with respect to natural persons acting in certain specified capacities in relation to the firm.

By way of recordkeeping, proposed paragraph 3.21(e)(3) would require that the Certifying Firm maintain, in accordance with Commission regulation 1.31, records documenting each criminal history background check and the results thereof.

The Commission believes the proposal, in providing certainly to market participants by way of Commission regulation, will make the commodity interest markets it oversees more liquid, competitive, and accessible by enabling Foreign Natural Persons to demonstrate that they meet the minimum standards for fitness and competency without undue burden. The alternative to fingerprinting proposed will remove an impediment to participation in United States' markets by persons located outside of the United States while also ensuring the continued protection of market participants and the public. Further, the Commission believes that, by providing an alternative for persons outside the United States, this Proposal is consistent with the principles of international comity.

As discussed above, in an attempt to provide greater clarity to market participants, this Proposal is slightly different than the DSIO No-Action Letters. In particular, where the No-Action Relief required that ''a *reasonable* criminal history background check using a *reputable* commercial service'' be performed, this Proposal does not include the terms ''reasonable'' or ''reputable.'' Instead, this Proposal requires that the background check meet the objective standard described above, which relies on the clearly-stated matters under Sections 8a(2)(D) and 8a(3)(D), (E), and (H) of the CEA. The Commission believes that using such an objective standard (one that does not require a market participant to make a subjective determination of what is ''reasonable'' or ''reputable'' for purposes of the alternative) furthers its goal of providing certainty to market participants while allowing the Commission to continue to ensure the fitness of its registrants.

If adopted, the proposed rule would supersede the DSIO No-Action Letters without prejudice to those who are relying on either of the DSIO No-Action Letters and have satisfied the requirements thereof prior to the date hereof.

III. Request for Comments

The Commission requests comment generally on all aspects of this Proposal. In particular, the Commission requests comment on the following:

1. Should the Commission promulgate a final rule in relation to this Proposal to provide an alternative to the Fingerprinting Requirement for Foreign Natural Persons?

2. Please describe the burdens that Foreign Natural Persons face in complying with the Fingerprinting Requirement. How are these burdens different from those faced by natural persons that are not Foreign Natural Persons?

3. Is the criminal history background check as set forth in the Proposal sufficient to reveal the existence of all matters listed under Sections 8a(2)(D) or 8a(3)(D), (E), or (H) of the CEA, if any such matter existed? If not, please provide specific additional or alternative requirements for the criminal history background check.

4. This Proposal is limited to Foreign Natural Persons (*i.e.,* individuals who have not resided in the United States since reaching 18 years of age). Should the Commission use another measure to determine whether an individual should be eligible for the proposed alternative to the Fingerprinting Requirement?

5. This Proposal requires that a background check be completed not more than one calendar year prior to the date of a Certifying Firm's related certification. Should the Commission require that the background check be completed within a different period?

6. Are persons eligible for the DSIO No-Action Relief currently availing themselves of that alternative to the Fingerprinting Requirement? To the extent that such persons are not, please provide reasons as to why they are not.

7. Are there any other matters that the Commission should consider in determining whether to adopt this Proposal?

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') [23] requires Federal agencies, in promulgating regulations, to consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the economic impact on those entities. This Proposal would affect certain FCMs, RFEDs, IBs, CPOs, CTAs, SDs, MSPs, LTMs, FBs, and FTs that wish to take advantage of the alternative to fingerprinting to evaluate the fitness of their Foreign Natural Persons for which fingerprints must be submitted to NFA.[24] The Commission has previously determined that FCMs, RFEDS, CPOs, SDs, MSPs, and LTMs are not small

[21] 7 U.S.C. 12a(2) and (3).

[22] 7 U.S.C. 12a(2)(D) and 12a(3)(D), (E), and (H). These provisions of Sections 8a(2) and (3) of the CEA generally relate to criminal convictions.

[23] 5 U.S.C. 601 *et seq.*

[24] This Proposal will also directly affect certain of such individuals; however, the Commission has noted that the RFA, by its terms, does not apply to individuals. *See* 48 FR 14933, 14954 n.115 (Apr. 6, 1983). Therefore, no analysis on the economic impact of this rule on individuals is provided.

entities for purposes of the RFA.[25] Therefore, the requirements of the RFA do not apply to those entities. With respect to CTAs, FBs, FTs, and IBs, the Commission has found it appropriate to consider whether such registrants should be deemed small entities for purposes of the RFA on a case-by-case basis, in the context of the particular Commission regulation at issue.[26] As certain of these registrants may be small entities for purposes of the RFA, the Commission considered whether this rulemaking would have a significant economic impact on such registrants. This Proposal will solely provide an optional alternative to complying with the Fingerprinting Requirement, which already applies to such registrants, and would, therefore, not impose any new regulatory obligations on affected registrants. This Proposal is not expected to impose any new burdens on market participants. Rather, to the extent that this Proposal provides an alternative means to comply with the Fingerprinting Requirement and is elected by a market participant, the Commission believes it is reasonable to infer that the alternative is less burdensome to such participant. The Commission does not, therefore, expect small entities to incur any additional costs as a result of this Proposal. Consequently, the Commission finds that no significant economic impact on small entities will result from this Proposal.

Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that this Proposal will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

1. Background

The Paperwork Reduction Act of 1995 (''PRA'')[27] imposes certain requirements on Federal agencies (including the Commission) in connection with conducting or sponsoring any collection of information as defined by the PRA. This Proposal would result in a collection of information within the meaning of the PRA, as discussed below. The Commission therefore is submitting this Proposal to the Office of Management and Budget (''OMB'') for review.

This Proposal contains collections of information for which the Commission has previously received control numbers from OMB. The titles for these collections of information are ''Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations, OMB control number 3038–0023''[28] and ''Registration of Swap Dealers and Major Swap Participants, OMB control number 3038–0072.''[29]

The responses to these collections of information are mandatory. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number issued by OMB.

The collection of information in this Proposal would provide an optional alternative to complying with the Fingerprinting Requirement (as described above). Eligible persons would have the option to elect the certification process, but no obligation to do so. For this reason, except to the extent that the Commission is amending the subject OMB control numbers for PRA purposes to reflect the alternative certification process, this Proposal is not expected to impose any new burdens on market participants. Rather, to the extent that this Proposal provides an alternative means to comply with the Fingerprinting Requirement and is elected by market participants, it is reasonable for the Commission to infer that the alternative is less burdensome to such participants.

2. Revisions to Collections 3038–0023 and 3038–0072

Collections 3038–0023 and 3038–0072 are currently in force with their control numbers having been provided by OMB.

As discussed above, this Proposal would add a new exemption that would incorporate an alternative to fingerprinting to evaluate the fitness of certain Foreign Natural Persons. In order to qualify for this alternative, the Certifying Firm must take the steps required pursuant to this Proposal, including submitting the required certification to NFA and maintaining records of the criminal history background check and the results thereof. Requiring such actions would result in revisions to collections 3038–0023 and 3038–0072. Therefore, the Commission proposes to revise each of collections 3038–0023 and 3038–0072.

The Commission understands that NFA has received approximately 110 requests in each of 2014 and 2015 from market participants asking to avail themselves of the DSIO No-Action Relief. However, as discussed above, the relief provided by this Proposal is broader than the DSIO No-Action relief in that it extends the relief to certain natural persons connected to FBs and FTs. Therefore, the Commission estimates that Certifying Firms will submit 200 certifications per year to take advantage of the alternative provided in this Proposal.

As of November 23, 2015, there were (i) 9,259 Commission-registered FCMs, RFEDs, IBs, CPOs, CTAs, LTMs, FBs, and FTs and (ii) 103 Commission-registered SDs and MSPs, making an aggregate total of 9,362 registrants.[30] Of these registrants, SDs and MSPs make up approximately 1% and the other registrants make up approximately 99%. Based on the assumption that there is an equal distribution of certifications among the Certifying Firms eligible to provide them, the Commission estimates that approximately 198[31] FCMs, RFEDs, IBs, CPOs, CTAs, LTMs, FBs, and FTs and 2[32] SDs and MSPs will submit the required certification.

a. Estimated Additional Hour Burden for Collection 3038–0023

Collection 3038–0023 relates to collections of information from FCMs, RFEDs, IBs, CPOs, CTAs, LTMs, FBs, and FTs. Based on the above, the estimated additional hour burden for collection 3038–0023 of 495 hours is calculated as follows:

Number of registrants: 198.

[25] *See* Policy Statement and Establishment of Definitions of ''Small Entities'' for Purposes of the Regulatory Flexibility Act, 47 FR 18618 (Apr. 30, 1982) (FCMs and CPOs); Leverage Transactions, 54 FR 41068 (Oct. 5, 1989) (LTMs); Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries, 75 FR 55410, 55416 (Sept. 10, 2010) (RFEDs); and Registration of Swap Dealers and Major Swap Participants, 77 FR 2613, 2620 (Jan. 19, 2012) (SDs and MSPs).

[26] *See* 47 FR at 18620 (CTAs and FBs); Registration of Floor Traders; Mandatory Ethics Training for Registrants; Suspension of Registrants Charged With Felonies, 58 FR 19575, 19588 (Apr. 15, 1993) (FTs); and Introducing Brokers and Associated Persons of Introducing Brokers, Commodity Trading Advisors and Commodity Pool Operators; Registration and Other Regulatory Requirements, 48 FR 35248, 35276 (Aug. 3, 1983) (IBs).

[27] 44 U.S.C. 3501 *et seq.*

[28] *See* OMB Control No. 3038–0023, *http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3038-0023#* (last visited Dec. 22, 2015). The collection is being retitled ''Registration Under the Commodity Exchange Act.''

[29] *See* OMB Control No. 3038–0072, *http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3038-0072#* (last visited Dec. 22, 2015).

[30] These numbers are slightly overstated, as certain registrants are registered as SDs or MSPs and as an FCM, RFED, IB, CPO, CTA, LTM, FB, or FT.

[31] 198 was calculated by multiplying the number of estimated requests per year (200) by the proportion of registrants discussed above that are FCMs, RFEDs, IBs, CPOs, CTAs, LTMs, FBs, or FTs (approximately 99%).

[32] 2 was calculated by multiplying the number of estimated requests per year (200) by the proportion of registrants discussed above that are SDs or MSPs (approximately 1%).

Frequency of collection: As needed.
Estimated annual responses per registrant: 1.
Estimated aggregate number of annual responses: 198.
Estimated annual hour burden per registrant: 2.5.[33]
Estimated aggregate annual hour burden: 495 (198 registrants × 2.5 hours per registrant).

b. Estimated Additional Hour Burden for Collection 3038–0072

Collection 3038–0072 relates to collections of information from SDs and MSPs. Based on the above, the estimated additional hour burden for collection 3038–0072 of 5 hours is calculated as follows:
Number of registrants: 2.
Frequency of collection: As needed.
Estimated annual responses per registrant: 1.
Estimated aggregate number of annual responses: 2.
Estimated annual hour burden per registrant: 2.5.[34]
Estimated aggregate annual hour burden: 5 (2 registrants × 2.5 hours per registrant).

3. Information Collection Comments

The Commission invites the public and other Federal agencies to comment on any aspect of the proposed information collection requirements discussed above. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information; (3) determine whether there are ways to 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 through the use of automated collection techniques or other forms of information technology.

Comments may be submitted directly to the Office of Information and Regulatory Affairs, by fax at (202) 395–6566, or by email at *OIRAsubmissions@omb.eop.gov.* Please provide the Commission with a copy of submitted comments so that all comments can be summarized and addressed in the final rule preamble. Refer to the **ADDRESSES** section of this notice of proposed rulemaking for comment submission instructions to the Commission. A copy of the supporting statements for the collection of information discussed above may be obtained by visiting *http://RegInfo.gov.* 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.

C. Cost-Benefit Considerations

Section 15(a) of the Act[35] requires the Commission to consider the costs and benefits of its actions before issuing a regulation under the Act. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of the following five broad areas of market and public concern: (i) Protection of market participants and the public; (ii) efficiency, competitiveness and financial integrity of futures markets; (iii) price discovery; (iv) sound risk management practices; and (v) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the Section 15(a) considerations.

1. Costs

a. Costs to FCMs, RFEDs, IBs, CPOs, CTAs, SDs, MSPs, LTMs, FBs, FTs, Associated Persons, and Other Foreign Natural Persons

Because this Proposal will solely provide an optional alternative to complying with the Fingerprinting Requirement, which alternative no FCM, RFED, IB, CPO, CTA, SD, MSP, LTM, FB, FT, associated person, or other Foreign Natural Person is required to elect, the Commission believes that this Proposal will not impose any costs on such persons.

b. Other Costs

Because the amendment to Commission regulation will allow FCMs, RFEDs, IBs, CPOs, CTAs, SDs, MSPs, LTMs, FBs, and FTs to submit, subject to the terms and conditions herein, a certification in lieu of a fingerprint card for Foreign Natural Persons, NFA will need to develop a process to review and retain such certifications and consider amending its applications and/or other forms to reflect the availability of this exception from the Fingerprinting Requirement. The Commission expects that the costs of such activities will not be significant.

2. Benefits

The Commission believes that, by establishing an alternative method for evaluating the fitness of Foreign Natural Persons for whom a fingerprint card must currently be submitted, this Proposal would help keep the United States' commodity interest markets accessible and competitive with other markets around the world by removing an impediment to participation in United States' markets by persons located outside of the United States while also ensuring the continued protection of market participants and the public. Further, the Commission believes that, by providing an alternative for persons outside the United States, this Proposal is consistent with the principles of international comity.

3. Section 15(a) Factors

Section 15(a) of the CEA requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. CEA Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (i) Protection of market participants and the public; (ii) efficiency, competitiveness, and financial integrity of futures markets; (iii) price discovery; (iv) sound risk management practices; and (v) other public interest considerations.

i. Protection of Market Participants and the Public

This Proposal will continue to protect the public by ensuring that persons who are currently subject to the Fingerprinting Requirement, whether or not they reside in the United States, must have their fitness reviewed through the completion of a background check.

ii. Efficiency, Competitiveness, and Financial Integrity of Markets

This Proposal may increase the efficiency and competitiveness of the markets by encouraging more participation in United States markets by persons located outside of the United States. The Commission does not believe that the integrity of financial

[33] This collection's burdens are restricted to (i) registrants providing necessary information to commercial service provider(s) to conduct a criminal history background check for a Foreign Natural Person; (ii) registrants preparing and submitting the certification described herein; and (iii) registrants maintaining, in accordance with Commission regulation 1.31, records documenting that the criminal history background check was completed and the results thereof. To the extent that a market participant instead elects to conduct the background check internally, it is reasonable for the Commission to infer that doing so is less burdensome to such participant.

[34] *See* n.33, *supra.*

[35] 7 U.S.C. 19(a).

markets would be harmed, because this proposal requires that the background check meet the objective standards which rely on the clearly-stated matters under Sections 8a(2)(D) and 8a(3)(D), (E), and (H) of the CEA.

iii. Price Discovery

The Commission generally believes that providing an alternative means of ensuring the fitness of a person who resides outside the United States for purposes of Commission registration, by reducing the burden that the Fingerprinting Requirement could impose on such persons, could reduce impediments to transact on a cross-border basis.

iv. Sound Risk Management Practices

As explained above, one of the critically important functions of registration is to allow the Commission to ensure that all futures and swaps industry professionals who deal with the public meet minimum standards of fitness and competency.[36] The fitness investigations that are part of the registration process permit the Commission and/or its delegatees to (a) uncover past misconduct that may disqualify an individual or entity from registration and (b) help determine if such persons have disclosed all matters required to be disclosed in their applications to become registered with the Commission.[37] Having futures and swaps market participants that are not subject to any of the matters that would lead to a disqualification of registration under Sections 8a(2) or (3) of the CEA is one way to help ensure that a Commission registrant will not be a risk to its customers or to the market in general.

v. Other Public Interest Considerations

The Commission believes that, by providing an alternative for persons outside the United States, this Proposal is consistent with the principles of international comity.

vi. Request for Comments

The Commission invites public comment on its cost-benefit considerations, including the Section 15(a) factors described above. Commenters are also invited to submit any data or other information that they may have quantifying or qualifying the costs and benefits of this Proposal with their comment letters.

[36] *See* n.6, *supra.*

[37] *See* n.7, *supra.*

List of Subjects in 17 CFR Part 3

Associated persons, Brokers, Commodity futures, Commodity pool operators, Commodity trading advisors, Customer protection, Fingerprinting, Foreign exchange, Futures commission merchants, Introducing brokers, Leverage transaction merchants, Leverage transactions, Major swap participants, Principals, Registration, Reporting and recordkeeping requirements, Retail foreign exchange dealers, Swap dealers, Swaps.

For the reasons set forth in the preamble, the Commodity Futures Trading Commission proposes to amend part 3 as follows:

PART 3—REGISTRATION

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

Authority: 5 U.S.C. 552, 552b; 7 U.S.C. 1a, 2, 6, 6a, 6b, 6b–1, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 6s, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, 23.

■ 2. In § 3.21, add paragraph (e) to read as follows:

§ 3.21 Exemption from fingerprinting requirement in certain cases.

* * * * *

(e) *Foreign Natural Persons.* (1) For purposes of this paragraph (e):

(i) The term *foreign natural person* means any natural person who has not resided in the United States since reaching the age of 18 years.

(ii) The term *certifying firm* means:

(A) For any natural person that is a principal or associated person of a futures commission merchant, retail foreign exchange dealer, swap dealer, major swap participant, introducing broker, commodity pool operator, commodity trading advisor, leverage transaction merchant, floor broker, or floor trader, such futures commission merchant, retail foreign exchange dealer, swap dealer, major swap participant, introducing broker, commodity pool operator, commodity trading advisor, leverage transaction merchant, floor broker, or floor trader; and

(B) For any natural person that is responsible for, or directs, the entry of orders from a floor broker's or floor trader's own account, such floor broker or floor trader.

(2) Any obligation in this part to provide a fingerprint card for a foreign natural person shall be deemed satisfied with respect to a certifying firm if:

(i) Such certifying firm causes a criminal history background check of such foreign natural person to be performed; and

(ii) The criminal history background check:

(A) Is of a type that would reveal all matters listed under Sections 8a(2)(D) or 8a(3)(D), (E), or (H) of the Act relating to such foreign natural person;

(B) Does not reveal any matters that constitute a disqualification under Sections 8a(2) or 8a(3) of the Act, other than those disclosed to the National Futures Association; and

(C) Is completed not more than one calendar year prior to the date that such certifying firm submits the certification described in paragraph (e)(2)(iii) of this section;

(iii) A person authorized by such certifying firm submits, in reliance on such criminal history background check, a certification by such certifying firm to the National Futures Association, that:

(A) States that the conditions of paragraphs (e)(2)(i) and (ii) of this section have been satisfied; and

(B) Is signed by a person authorized by such certifying firm to make such certification.

(3) The certifying firm shall maintain, in accordance with § 1.31 of this chapter, records documenting that the criminal history background check performed pursuant to paragraph (e)(2)(i) of this section was completed and the results thereof.

Issued in Washington, DC, on January 4, 2016, by the Commission.

Robert N. Sidman,

Deputy Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Alternative to Fingerprinting Requirement for Foreign Natural Persons—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Bowen and Giancarlo voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2016–00045 Filed 1–11–16; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1, 20, 25, 26, 31, and 301

[REG–148998–13]

RIN 1545–BM10

Definitions of Terms Relating to Marital Status; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of public hearing on proposed regulations relating to the holdings of *Obergefell* v. *Hodges,* 2015, Windsor v. United States, 2013, and a revenue ruling that define terms in the Internal Revenue Code (Code) describing the marital status of taxpayers.

DATES: The public hearing is being held on Wednesday, January 27, 2016, at 10:00 a.m. The IRS must receive outlines of the topics to be discussed at the public hearing by Friday, January 15, 2016.

ADDRESSES: The public hearing is being held in the Chief Counsel NYU conference room 2615, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

Send Submissions to CC:PA:LPD:PR (REG–148998–13), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday to CC:PA:LPD:PR (REG–148998–13), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS–2015–0032).

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Mark Shurtliff at (202) 317–3400; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing Regina Johnson at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking (REG–148998–13) that was published in the **Federal Register** on Friday, October 23, 2015 (80 FR 64378) relating to the holdings of Obergefell v. Hodges, 575 U.S._____, 135 S. Ct. 2584 (2015), Windsor v. United States, 570 U.S. _____, 133 S. Ct. 2675 (2013), and Revenue Ruling 2013–17 (2013–38 IRB 201), and that define terms in the Internal Revenue Code (Code) describing the marital status of taxpayers. The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted written comments by January 14, 2016 must submit an outline of the topics to be addressed and the amount of time to be devoted to each topic by Friday, January 15, 2016.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue NW., entrance, 1111 Constitution Avenue NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2016–00386 Filed 1–11–16; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[EPA–HQ–OPPT–2015–0823; FRL–9940–61]

TSCA Inventory Equivalency Determinations for Certain Class 2 Substances; TSCA Section 21 Petition; Reasons for Agency Response

AGENCY: Environmental Protection Agency (EPA).

ACTION: Petition; reasons for Agency response.

SUMMARY: This document announces the availability of EPA's response to a petition it received under the Toxic Substances Control Act (TSCA). The TSCA section 21 petition was received from the Biobased and Renewable Products Advocacy Group (BRAG) on October 7, 2015. The petitioner requested EPA to promulgate a rule pursuant to TSCA section 8 that would ''establish a process to amend the list of natural sources of oil and fat in the 'Soap and Detergent Association' (SDA) nomenclature system by considering the chemical equivalency of additional natural sources.'' After careful consideration, EPA denied the TSCA section 21 petition for the reasons discussed in this document.

DATES: EPA's response to this TSCA section 21 petition was signed December 31, 2015.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kent Anapolle, Chemistry, Economics, and Sustainable Strategies Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8578; email address: *anapolle.kent@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may manufacture or import biobased chemicals similar to fats and oils described by the SDA nomenclature system. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I access information about this petition?

The docket for this TSCA section 21 petition, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0823, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. TSCA Section 21

A. What is a TSCA section 21 petition?

Under TSCA section 21 (15 U.S.C. 2620), any person can petition EPA to initiate a rulemaking proceeding for the issuance, amendment, or repeal of a rule under TSCA section 4, 6, or 8 or an order under TSCA section 5(e) or 6(b)(2). A TSCA section 21 petition must set forth the facts that are claimed to establish the necessity for the action requested. EPA is required to grant or deny the petition within 90 days of its

filing. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. A petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking proceeding within 60 days of either a denial or the expiration of the 90-day period.

B. What criteria apply to a decision on a TSCA section 21 petition?

Section 21(b)(1) of TSCA requires that the petition ''set forth the facts which it is claimed establish that it is necessary'' to issue the rule or order requested, 15 U.S.C. 2620(b)(1). Thus, TSCA section 21 implicitly incorporates the statutory standards that apply to the requested actions. In addition, TSCA section 21 establishes standards a court must use to decide whether to order EPA to initiate rulemaking in the event of a lawsuit filed by the petitioner after denial of a TSCA section 21 petition, 15 U.S.C. 2620(b)(4)(B). Accordingly, EPA has relied on the standards in TSCA section 21 and in the provisions under which actions have been requested to evaluate this TSCA section 21 petition.

III. Summary of the TSCA Section 21 Petition

A. What action was requested?

On October 7, 2015, EPA received a petition from the Biobased and Renewable Products Advocacy Group (BRAG) requesting the Agency to address the ''disproportionate regulatory burden'' imposed on companies in the bio-based chemical sector, noting that a ''limitation of source categories in the SDA system results in inequitable regulatory treatment for chemical substances that are functionally the same and chemically nearly identical.'' Specifically, the petition asks EPA to commence a rulemaking process under TSCA section 8, the objective of which would be to ''establish a procedure by which EPA can add new sources of fats and oils to the SDA-eligible list.''

The petition states that the SDA-eligible list is part of a broader ''nomenclature system developed by SDA when the TSCA Inventory was initially compiled.'' The term ''SDA-eligible list'' refers to a list found in the 1978 Candidate List of Chemical Substances on the TSCA Inventory, in ''Addendum III: Chemical Substances of Unknown or Variable Composition, Complex Reaction Products and Biological Materials'' (Ref. 2). In Section I of that document, EPA described a chemical substance naming convention, attributed to the SDA that was available for ''identifying and reporting certain multicomponent Class 2 chemical substances derived from natural fats and oils and synthetic long-chain alkyl substitutes.'' The identification and reporting in question was the identification and reporting of chemical manufacture and processing to EPA, pursuant to a past reporting obligation under TSCA section 8(a), to inform EPA's original compilation of the TSCA Inventory under TSCA section 8(b). The document listed 35 ''natural fats and oils,'' as potential alkyl group sources. It provided that the particular chemical substances named under the SDA convention would not be identified ''in terms of source.'' However, chemical substances with alkyl groups derived from unlisted natural sources were beyond the scope of the naming convention. Thus, each time that a particular chemical substance was identified, reported, and entered into EPA's original compilation of the TSCA Inventory based on the SDA naming convention, the definition of that particular substance inherited a certain characterization from the SDA naming convention: Specifically, that the chemical substance in question was derived either from one or more of the 35 listed natural fats and oils or from synthetic long-chain alkyl substitutes.

The procedure that the petition asks EPA to establish by a TSCA section 8 rule is a procedure for submitting further requests to EPA. Specifically, it would be a regulation governing how the public would submit requests to amend the SDA-eligible list and how EPA would respond to such requests. The procedure would detail how EPA would review a request to include an additional source material of a fat or oil substance, ''following a premanufacture notice or other appropriate notification to EPA,'' in order to determine if it is ''sufficiently similar'' to sources of fat or oil substances with the same alkyl range that are already built into the SDA naming convention. After review, if EPA found ''such similarity'' between the requested additional source material and already-listed source materials, the contemplated rule would direct the Agency to add the requested source material to the SDA-eligible list in the SDA naming convention.

The petition explains that the outcome sought (in the event EPA granted a request under the procedure that petitioners now ask EPA to establish by section 8 rule) would be to authorize manufacturers of various chemical substances derived from the additional source material to ''rely on the appropriate SDA alkyl range identity for purposes of Inventory listing and TSCA nomenclature.'' The petition elsewhere clarifies what it means by ''rely on,'' when it notes that without ''access to the alkyl range names,'' the manufacturers would need to submit premanufacture notifications to EPA. The petition makes clear that the intended effect of enlarging the definitions of existing chemical substance listings in this fashion would be to limit the circumstances in which manufacturers would be deemed to be manufacturing a new chemical substance, and thus be subject to the requirements of TSCA section 5(a)(1)(A).

B. What support does the petitioner offer?

While the petition includes no specific request to add a particular natural fat or oil to the ''SDA-eligible'' list, the bulk of the petition is concerned with giving, by way of background, the petitioners' general reasons to believe that such requests would have merit if submitted to EPA. The petition asserts, in general terms, that chemical substances derived from other natural sources ''may be chemically indistinguishable from,'' are ''nearly identical'' to, or are ''substantially similar,'' to chemical substances synthesized from one of the 35 listed natural sources. The petition also asserts that while such substances address ''critical needs for sustainability,'' there is a ''key hindrance'' to their commercialization. Specifically, the ''key hindrance'' is that certain of these chemical substances (or derivatives thereof) would be subject to EPA's pre-manufacture review under section 5 of TSCA, while assertedly similar chemical substances derived from one of the 35 listed natural sources would be existing chemical substances and therefore would not need to undergo such review. The petition claims that continuing to treat chemical substances derived from ''these novel sources,'' as new chemical substances ''creates a disincentive for customers to switch from traditional oils.''

The specific action requested in the petition is that EPA ''initiate a rulemaking under TSCA section 8 that would establish a process to amend the list of natural sources of oil and fat [the SDA-eligible list] . . . by considering the chemical equivalency of additional natural sources.'' The petition supplies two reasons for the specific action requested. First, that EPA ''should allow for new sources to be added,'' to the list and second, that issuing such a regulatory proposal would not require a

''significant expenditure of time and resources.''

IV. Disposition of TSCA Section 21 Petition

A. What is EPA's response?

After careful consideration, EPA denied the petitioner's request to initiate a TSCA section 8 rulemaking. EPA denied the request because the petition neither justified the petitioners' claim (that the initiation of a TSCA section 8 rulemaking proceeding is necessary) nor explained how petitioners believe EPA's actual rulemaking authorities under section 8 could be used to accomplish the objectives that petitioners are seeking. To the extent the petition was actually seeking an Agency order under TSCA section 8(b) (*e.g.,* effectuating the alteration of certain entries on the TSCA Inventory), EPA notes that a request for an order under TSCA section 8(b) is not cognizable in a petition that is submitted pursuant to TSCA section 21 (15 U.S.C. 2620(b)(1)). A copy of the Agency's response, which consists of a letter to the petitioner, is available in the docket for this TSCA section 21 petition.

B. What is EPA's reason for this response?

1. *Background on TSCA Section 8 Rules.* TSCA section 8 provides express rulemaking authority in three distinct subsections: First, TSCA section 8(a) (15 U.S.C. 2607(a)) authorizes EPA to promulgate rules under which current or prospective manufacturers (including importers) and processors of chemical substances must maintain records and submit such information as the EPA Administrator may reasonably require. TSCA section 8(a) also authorizes EPA to promulgate rules under which current or prospective manufacturers and processors of mixtures must maintain records and submit information to the extent the EPA Administrator determines the maintenance of records or submission of reports, or both, is necessary for the effective enforcement of TSCA. Second, TSCA section 8(c) (15 U.S.C. 2607(c)) authorizes EPA to promulgate rules that ''determine'' certain obligations to ''maintain records of significant adverse reactions to health or the environment.'' Third, TSCA section 8(d) (15 U.S.C. 2607(d) authorizes rules for the submission to the Administrator of lists and copies of certain health and safety studies. If the Agency denies a petition submitted under TSCA section 21, judicial review in the case of a petition to initiate a proceeding for the issuance of a rule under TSCA section 8 requires the petitioner to show by a ''preponderance of the evidence that . . . there is a reasonable basis to conclude that the issuance of such a rule . . . is necessary to protect health or the environment against an unreasonable risk of injury'' (15 U.S.C. 2620(b)(4)(B)).

2. *Background on the TSCA Inventory.* EPA's authority to manage the TSCA Inventory is pursuant to TSCA section 8(b) (15 U.S.C. 2607(b)), which directs the Agency to ''compile, keep current, and publish a list of each chemical substance which is manufactured or processed in the United States.'' Although EPA was directed to promulgate a data collection rule under TSCA section 8(a), ''not later than 180 days after January 1, 1977,'' to gather data ''[f]or purposes of the compilation of the list . . . under subsection (b),'' rules under TSCA section 8(a) do not themselves effectuate changes to the contents of the TSCA Inventory. The initial compilation process under TSCA section 8(b) was completed long ago, with the Agency noting in 1980 that henceforth ''premanufacture notification requirements of section 5 will apply to all chemical substances manufactured and imported in bulk or as part of a mixture which has not been reported for the Inventory.'' 45 FR 50544 (July 29, 1980). Today, it remains EPA's practice to add entries to the TSCA Inventory on the basis of notices of commencement that are submitted ''in accordance with [TSCA] section 5.'' See 15 U.S.C. 2607(b) and 40 CFR 720.102. From time to time, EPA has also made corrections to the TSCA Inventory. EPA has consistently done so without rulemaking. See 66 FR 34193, 34197 (June 27, 2001) (making clear that the action in question was a ''correction to TSCA Inventory nomenclature,'' and ''not a rule.'') and 75 FR 8266, 8272 (February 24, 2010) (again, ''not a rule'')

3. Necessity of Establishing a Regulatory Procedure for Requesting and Effectuating Changes to SDA Naming Conventions

The petition asserts that a new regulatory procedure is necessary, to govern public requests for changes to the SDA naming convention and EPA response to those requests. The reason given for why such a procedure is necessary is that the SDA naming convention ''should allow for new sources to be added.'' Yet the petition supplies no evidence of any current impediment to any party in making requests along these lines, or to EPA in considering such requests, which would be addressed if EPA were to promulgate a regulatory procedure governing the manner and method of making and responding to such requests. Part of the difficulty in following the petition's reasoning stems from the petition's conflation of two distinct issues: (1) Whether a chemical substance derived from an unlisted natural fat or oil can currently be treated as identical to another substance that *is* derived consistent with the SDA naming convention; and (2) whether alteration of the SDA naming convention, to encompass new sources of fats and oils, is currently ''allowed.''

The petition correctly recognizes the current limitations of certain TSCA Inventory listings (*i.e.,* those listings that incorporate particular assumptions about the natural sources of fats or oils from which the listed substance is derived, because they were named according to the SDA naming convention). Manufacturers of a new chemical substance that clearly falls outside the definitional scope of an existing chemical substance are not allowed to determine that the new chemical substance is nonetheless sufficiently ''similar'' to the existing chemical substance, and simply deem the new chemical substance to be an existing substance on the basis of that similarity. Nor would EPA grant such a request, which would be inconsistent with TSCA section 3(9): A new chemical substance is ''any chemical substance which is not included in the chemical substance list compiled and published under [TSCA section 8(b)].''

But the petition presumes, without justification, that until a certain preliminary EPA rulemaking has been completed, those same manufacturers lack a meaningful opportunity to request that EPA enlarge the definitional scope of one or more existing chemical substances named according to the SDA naming convention. The petition's failure to explain that a particular impediment exists (either to manufacturers in making these sorts of requests or to EPA in adjudicating them) is sufficient grounds to deny the request to commence a rulemaking proceeding intended to remove the unspecified impediment.

Thus, the petition does not demonstrate that the requested rule is necessary in any respect, much less that it is necessary to protect health or the environment against an unreasonable risk of injury.

4. Capacity of a Rule Under TSCA 8(a), 8(c), or 8(d) To Alter the Identification of New and Existing Chemical Substances Under the SDA Naming Convention

Even if the petition had established that a rulemaking proceeding is necessary, the petition would still be deficient. While the petition states in very general terms that it is seeking a change to the legal status quo (*i.e.,* establish some regulatory process ''to allow'' certain chemical substances derived from new sources of natural fats and oils to be nonetheless deemed existing chemicals), the petition still fails to explain how a rule under TSCA section 8 could be crafted to accomplish that objective. Rules under 8(c) and 8(d) only cover reporting and retention of certain health and safety related documents; they are inapposite to the stated objective. Nor does the petition suggest any plan to make specific use of EPA's rulemaking authorities under sections 8(c) or 8(d). Rules under section 8(a) are somewhat broader in potential scope, but once again, the rulemaking authority at issue here is inapposite; it is to require current or prospective manufacturers or processors of a chemical substance to supply existing information relating to that chemical substance. While, historically, information collected using a TSCA section 8(a) rule provided the factual basis for EPA's assembly of the TSCA Inventory, TSCA section 8(a) does not itself govern or authorize EPA's management of the TSCA Inventory. That is instead authorized under TSCA section 8(b). Yet TSCA section 8(b) does not contain an express grant of rulemaking authority, and EPA has never used rulemaking to establish or make additions or changes to the Inventory. For its part, the petition merely makes a blanket assertion that ''EPA is authorized under TSCA section 8 to commence a rulemaking.'' Especially since the text of TSCA section 8(b) does not itself refer to rulemaking authority, and the petitioners are seeking a change in legal requirements to ''allow for new sources to be added,'' the absence of any particular explanation in the petition describing how petitioners believe EPA could issue an appropriate rule (under any subsection of TSCA section 8) is a critical deficiency of the petition. Finally, to the extent that petitioners are actually seeking an order under TSCA section 8(b), EPA notes that such petitions are not cognizable under TSCA section 8, 15 U.S.C. 2620(b)(1).

V. References

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

1. Biobased and Renewable Products Advocacy Group. Petition to Promulgate Rule Pursuant to Section 8 of the Toxic Substances Control Act, 15 U.S.C. 2620, Concerning Equivalency Determinations for Class 2 Substances. October 5, 2015.
2. United States Environmental Protection Agency. Toxic Substances Control Act Pl 94–469, Candidate List of Chemical Substances, Addendum III: Chemical Substances of Unknown or Variable Composition, Complex Reaction Products and Biological Materials. Washington, DC, March 1978.

List of Subjects in 40 CFR Chapter I

Environmental protection, Natural sources of oil and fat, SDA nomenclature system, TSCA Inventory.

Dated: December 31, 2015.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2016–00435 Filed 1–11–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[4500030115]

Endangered and Threatened Wildlife and Plants; 90-Day Findings on 17 Petitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Petition findings and initiation of status reviews.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on various petitions to list, reclassify, or delist fish, wildlife, or plants under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that six petitions do not present substantial scientific or commercial information indicating that the petitioned actions may be warranted, and we are not initiating status reviews in response to these petitions. We refer to these as ''not-substantial'' petition findings. We also find that 11 petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we announce that we plan to initiate a review of the status of these species to determine if the petitioned actions are warranted. To ensure that these status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding these species. Based on the status reviews, we will issue 12-month findings on the petitions, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

DATES: When we conduct status reviews, we will consider all information that we have received. To ensure that we will have adequate time to consider submitted information during the status reviews, we request that we receive information no later than March 14, 2016. Information submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**) should be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Not-substantial petition findings:* The not-substantial petition findings announced in this document are available on *http://www.regulations.gov* under the appropriate docket number (see Table 2 in this section), or on the Service's Web site at *ecos.fws.gov.* Supporting information in preparing these findings is available for public inspection, by appointment, during normal business hours by contacting the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

Status reviews: You may submit information on species for which a status review is being initiated by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter the appropriate docket number (see Table 1, below). You may submit information by clicking on ''Comment Now!'' If your information will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is

Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard* copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [Insert appropriate docket number; see Table 1, below]; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all information received on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Information for Status Reviews in **SUPPLEMENTARY INFORMATION** for more details).

TABLE 1—LIST OF SUBSTANTIAL FINDINGS FOR WHICH A STATUS REVIEW IS BEING INITIATED

Common name	Docket No.	URL to docket in regs.gov
Culebra skink	FWS–R4–ES–2015–0085	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0085.*
Great Basin silverspot butterfly	FWS–R6–ES–2015–0089	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0089.*
Greater Saint Croix skink	FWS–R4–ES–2015–0090	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0090.*
Greater Virgin Islands skink	FWS–R4–ES–2015–0091	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0091.*
Lesser Saint Croix skink	FWS–R4–ES–2015–0096	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0096.*
Mona skink	FWS–R4–ES–2015–0100	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0100.*
Narrow-foot diving beetle	FWS–R6–ES–2015–0102	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0102.*
Northern Rockies population of fisher	FWS–R6–ES–2015–0104	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0104.*
Puerto Rican skink	FWS–R4–ES–2015–0107	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0107.*
Scott riffle beetle	FWS–R6–ES–2015–0114	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0114.*
Virgin Islands bronze skink	FWS–R4–ES–2015–0120	*http://www.regulations.gov/#!docketDetail;D=FWS-R4-ES-2015-0120.*

TABLE 2—LIST OF NOT-SUBSTANTIAL FINDINGS

Common name	Docket No.	URL to docket in regs.gov
Colorado desert fringe-toed lizard	FWS–R8–ES–2015–0082	*http://www.regulations.gov/#!docketDetail;D=FWS-R8-ES-2015-0082.*
Grizzly bear (Cabinet-Yaak population)—Uplist.	FWS–R6–ES–2015–0173	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0173.*
Grizzly bear (Cabinet-Yaak population)—Delist.	FWS–R6–ES–2015–0174	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0174.*
Kings River slender salamander	FWS–R8–ES–2015–0094	*http://www.regulations.gov/#!docketDetail;D=FWS-R8-ES-2015-0094.*
Sandstone night lizard	FWS–R8–ES–2015–0113	*http://www.regulations.gov/#!docketDetail;D=FWS-R8-ES-2015-0113.*
Yellowstone bison	FWS–R6–ES–2015–0123	*http://www.regulations.gov/#!docketDetail;D=FWS-R6-ES-2015-0123.*

FOR FURTHER INFORMATION CONTACT:

Common name	Contact person
Colorado desert fringe-toed lizard	Mendel Stewart, 760–431–9440; *Mendel_Stewart@fws.gov.*
Culebra skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Great Basin silverspot butterfly	Ann Timberman, 970–628–7181; *Ann_Timberman@fws.gov.*
Greater Saint Croix skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Greater Virgin Islands skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Grizzly bear (Cabinet-Yaak population)	Chris Servheen, 406–243–4903; *Chris_Servheen@fws.gov.*
Kings River slender salamander	Jennifer Norris, 916–414–6600; *Jennifer_Norris@fws.gov.*
Lesser Saint Croix skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Mona skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Narrow-foot diving beetle	Mark Sattelberg, 307–772–2374; *Mark_Sattelberg@fws.gov.*
Northern Rockies population of fisher	Jodi Bush, 406–449–5225 x105; *Jodi_Bush@fws.gov.*
Puerto Rican skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Sandstone Night lizard	Mendel Stewart, 760–431–9440; *Mendel_Stewart@fws.gov.*
Scott riffle beetle	Jason Luginbill, 785–539–3474 x105; *Jason_Luginbill@fws.gov.*
Virgin Islands bronze skink	Andreas Moshogianis, 404–679–7119; *Andreas_Moshgianis@fws.gov.*
Yellowstone bison	Mark Sattelberg, 307–772–2374; *Mark_Sattelberg@fws.gov.*

If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Request for Information for Status Reviews

When we make a finding that a petition presents substantial information indicating that listing, reclassification, or delisting a species may be warranted, we are required to review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on these species from governmental agencies, Native American Tribes, the scientific community, industry, and any

other interested parties. We seek information on:

(1) The species' biology, range, and population trends, including:

(a) Habitat requirements;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) The factors that are the basis for making a listing, reclassification, or delisting determination for a species under section 4(a) of the Act (16 U.S.C. 1531 *et seq.*), which are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);

(b) Overutilization for commercial, recreational, scientific, or educational purposes (Factor B);

(c) Disease or predation (Factor C);

(d) The inadequacy of existing regulatory mechanisms (Factor D); or

(e) Other natural or manmade factors affecting its continued existence (Factor E).

(3) The potential effects of climate change on the species and its habitat, and the extent to which it affects the habitat or range of the species.

If, after the status review, we determine that listing is warranted, we will propose critical habitat (see definition in section 3(5)(A) of the Act) for domestic (U.S.) species under section 4 of the Act, to the maximum extent prudent and determinable at the time we propose to list the species. Therefore, we also request data and information for the species listed above in Table 1 (to be submitted as provided for in the **ADDRESSES** section) on:

(1) What may constitute ''physical or biological features essential to the conservation of the species,'' within the geographical range occupied by the species;

(2) Where these features are currently found;

(3) Whether any of these features may require special management considerations or protection;

(4) Specific areas outside the geographical area occupied by the species that are ''essential for the conservation of the species''; and

(5) What, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your information concerning these status reviews by one of the methods listed in the **ADDRESSES** section. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Information and supporting documentation that we received and used in preparing these 90-day findings is available for you to review at *http://www.regulations.gov,* or you may make an appointment during normal business hours at the appropriate lead U.S. Fish and Wildlife Service Field Office (contact the person listed under **FOR FURTHER INFORMATION CONTACT**).

Background

Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of the finding promptly in the **Federal Register**.

Our standard for substantial scientific or commercial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial scientific or commercial information was presented, we are required to promptly commence a review of the status of the species, which will be subsequently summarized in our 12-month finding.

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR 424 set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species because of one or more of the five factors described in section 4(a)(1) of the Act (see Request for Information for Status Reviews, above).

In considering whether conditions described within one or more of the factors might constitute threats, we must look beyond the exposure of the species to those conditions to evaluate whether the species may respond to the conditions in a way that causes actual impacts to the species. If there is exposure to a condition and the species responds negatively, the condition qualify as a stressors and, during the subsequent status review, we attempt to determine how significant the stressor is. If the stressor is sufficiently significant that it drives, or contributes to, the risk of extinction of the species such that the species may warrant listing as endangered or threatened as those terms are defined in the Act, the stressor constitutes a threat to the species. Thus, the identification of conditions that could affect a species negatively may not be sufficient to compel a finding that the information in the petition and our files is substantial. The information must include evidence sufficient to suggest that these conditions may be operative threats that act on the species to a sufficient degree that the species may meet the definition of an endangered or threatened species under the Act.

Evaluation of a Petition To List the Colorado Desert Fringe-Toed Lizard as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0082 under the Supporting Documents section.

Species and Range

Colorado desert fringe-toed lizard (*Uma notata*); California, Baja California, Mexico

Petition History

On July 11, 2012, we received a petition dated July 11, 2012, from the Center for Biological Diversity, requesting that 53 species of reptiles and amphibians, including the Colorado desert fringe-toed lizard, be listed under

the Act as endangered or threatened species and that critical habitat be designated under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the Colorado desert fringe-toed lizard.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted for Colorado desert fringe-toed lizard (*Uma notata*). Because the petition does not present substantial information indicating that listing the Colorado desert fringe-toed lizard may be warranted, we are not initiating a status review of this species in response to this petition. Our justification for this finding can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0082 under the Supporting Documents section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

Evaluation of a Petition To List the Culebra Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0085 under the Supporting Documents section.

Species and Range

Culebra skink (*Spondylurus culebrae*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink, greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, Greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the Culebra skink (*Spondylurus culebrae*).

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the Culebra skink (*Spondylurus culebrae*) may be warranted based on Factors C and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Great Basin Silverspot as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0089 under the Supporting Documents section.

Species and Range

Great Basin silverspot (*Speyeria nokomis nokomis*); Arizona, Colorado, New Mexico, Utah

Petition History

On April 24, 2013, we received a petition dated April 13, 2013, from WildEarth Guardians, requesting that the Great Basin silverspot be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the Great Basin silverspot (*Speyeria nokomis nokomis*) may be warranted based on Factors A and E. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Greater Saint Croix Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0090 under the Supporting Documents section.

Species and Range

Greater Saint Croix skink (*Spondylurus magnacruzae*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink, greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the greater Saint Croix skink.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the greater Saint Croix skink (*Spondylurus magnacruzae*) may be warranted based on Factors C and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Greater Virgin Islands Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0091 under the Supporting Documents section.

Species and Range

Greater Virgin Islands skink (*Spondylurus spilonotus*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink, greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the greater Virgin Islands skink.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the greater Virgin Islands skink (*Spondylurus spilonotus*) may be warranted based on Factors C and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To Reclassify the Grizzly Bear (Cabinet-Yaak Population) From a Threatened Species to an Endangered Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0173 under the Supporting Documents section.

Species and Range

Grizzly bear (Cabinet-Yaak population) (*Ursus arctos horribilis*); Montana, Idaho

Petition History

On December 17, 2014, we received a petition dated December 11, 2014, from the Alliance for the Wild Rockies, requesting that the Cabinet-Yaak grizzly bear be reclassified as endangered and that critical habitat be designated for this population under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In a February 2, 2015, letter to the petitioner acknowledging receipt of the petition, we responded that we reviewed the information presented in the petition and did not find that the petition warranted an emergency listing. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that the petitioned action (reclassifying from threatened status to endangered status) may be warranted for the Cabinet-Yaak grizzly bear (*Ursus arctos horribilis*). Because the petition does not present substantial information indicating that reclassifying the Cabinet-Yaak grizzly bear may be warranted, we are not initiating a status review of this species in response to this petition. Our justification for this finding can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0173 under the Supporting Documents section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this population or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

Evaluation of a Petition To Remove the Grizzly Bear (Cabinet-Yaak Population) From the List of Endangered and Threatened Wildlife

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0174 under the Supporting Documents section.

Species and Range

Grizzly bear (Cabinet-Yaak population) (*Ursus arctos horribilis*); Montana, Idaho

Petition History

On July 27, 2015, we received a petition dated July 24, 2015, from Lincoln County, Montana, requesting that we remove Cabinet-Yaak grizzly bears from the List of Endangered and Threatened Wildlife (*i.e.,* ''delist'' Cabinet-Yaak grizzly bears) due to recovery under the Act. Grizzly bears, including the Cabinet-Yaak population, are currently listed as threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In an August 21, 2015, letter to the petitioner, we responded that we received the petition. This finding addresses this portion of the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that the petitioned action (delisting) may be warranted for the Cabinet-Yaak population of grizzly bear (*Ursus arctos horribilis*). Because the petition does not present substantial information indicating that delisting the Cabinet-Yaak population of grizzly bear may be warranted, we are not initiating a status review of this species in response to this petition. Our justification for this finding can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0174 under the Supporting Documents section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this population or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

Evaluation of a Petition To List the Kings River Slender Salamander as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0094 under the Supporting Documents section.

Species and Range

Kings River slender salamander (*Batrachoseps regius*); California

Petition History

On July 11, 2012, we received a petition dated July 11, 2012, from the Center for Biological Diversity requesting that 53 species of reptiles and amphibians, including the Kings River slender salamander, be listed under the Act as endangered or threatened and that critical habitat be designated under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the Kings River slender salamander.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that the

petitioned action may be warranted for the Kings River slender salamander (*Batrachoseps regius*). Because the petition does not present substantial information indicating that listing the Kings River slender salamander may be warranted, we are not initiating a status review of this species in response to this petition. Our justification for this finding can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0094 under the Supporting Documents section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

Evaluation of a Petition To List the Lesser Saint Croix Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0096 under the Supporting Documents section.

Species and Range

Lesser Saint Croix skink (*Capitellum parvicruzae*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink, greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the lesser Saint Croix skink.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the lesser Saint Croix skink (*Capitellum parvicruzae*) may be warranted based on Factors C and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Mona Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0100 under the Supporting Documents section.

Species and Range

Mona skink (*Spondylurus monae*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink, greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the Mona skink.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the Mona skink (*Spondylurus monae*) may be warranted based on Factors A, C, and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Narrow-Foot Diving Beetle as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0102 under the Supporting Documents section.

Species and Range

Narrow-foot diving beetle (*Hygrotus diversipes*); Wyoming

Petition History

On July 17, 2013, we received a petition dated July 9, 2013, from WildEarth Guardians, requesting that the narrow-foot diving beetle be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the narrow-foot diving beetle.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the narrow-foot diving beetle (*Hygrotus diversipes*) may be warranted based on Factors A and E. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Fisher (Northern Rockies Population) as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0104 under the Supporting Documents section.

Species and Range

Fisher (Northern Rockies population) (*Martes pennanti*); Idaho, Montana

Petition History

On September 23, 2013, we received a petition dated September 23, 2013, from the Center for Biological Diversity, Defenders of Wildlife, Friends of the Bitterroot, Friends of the Clearwater, Western Watersheds Project, and Friends of the Wild Swan, requesting that the fisher in its U.S. Northern Rocky Mountains (USNRMs) range be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In an October 31, 2013, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the

petition warranted an emergency listing. This finding addresses the petition.

On June 30, 2011, we published a 12-month finding (76 FR 38504) following a full status review of fishers in the USNRMs that concluded listing the entity as endangered or threatened under the Act was not warranted.

Finding

Based on our review of the petition and sources cited in the petition, including new information that petitioners submitted after the 2011 finding, we find that the petition presents substantial scientific or commercial information indicating that listing the fisher (Northern Rockies population) (*Martes pennanti*) may be warranted based on Factors B and E. However, during our status review, we will thoroughly evaluate all potential threats to the species. In the course of reviewing the status of the species, we will consider any information that has become available since the 2011 finding, including the new information provided by the petitioners. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Puerto Rico Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0107 under the Supporting Documents section.

Species and Range

Puerto Rico skink (*Spondylurus nitidus*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink, greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the Puerto Rican skink.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the Puerto Rico skink (*Spondylurus nitidus*) may be warranted based on Factors A, C, and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Sandstone Night Lizard as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0113 under the Supporting Documents section.

Species and Range

Sandstone night lizard (*Xantusia gracilis*); California

Petition History

On July 11, 2012, we received a petition dated July 11, 2012, from the Center for Biological Diversity requesting that 53 species of reptiles and amphibians, including the sandstone night lizard, be listed under the Act as endangered or threatened and that critical habitat be designated under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted for the sandstone night lizard (*Xantusia gracilis*). Because the petition does not present substantial information indicating that listing the sandstone night lizard may be warranted, we are not initiating a status review of this species in response to this petition. Our justification for this finding can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0113 under the Supporting Documents section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

Evaluation of a Petition To List the Scott Riffle Beetle as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0114 under the Supporting Documents section.

Species and Range

Scott riffle beetle (*Optioservus phaeus gilbert*); Kansas

Petition History

On September 20, 2013, we received a petition dated September 18, 2013, from WildEarth Guardians, requesting that the Scott riffle beetle be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the Scott riffle beetle (*Optioservus phaeus gilbert*) may be warranted based on Factors A, C, D, and E. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Virgin Islands Bronze Skink as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2015–0120 under the Supporting Documents section.

Species and Range

Virgin Islands bronze skink (*Spondylurus sloanii*); Caribbean

Petition History

On February 11, 2014, we received a petition dated February 11, 2014, from the Center for Biological Diversity, requesting that the Culebra skink,

greater Saint Croix skink, Mona skink, Puerto Rican skink, Virgin Islands bronze skink, greater Virgin Islands skink, lesser Saint Croix skink, Monito skink, and lesser Virgin Islands skink be listed as endangered or threatened and that critical habitat be designated for these species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). We acknowledged receipt of this petition via email on February 12, 2014. This finding addresses the Virgin Islands bronze skink.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the Virgin Islands bronze skink (*Spondylurus sloanii*) may be warranted based on Factors C and D. However, during our status review, we will thoroughly evaluate all potential threats to the species. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information for Status Reviews, above).

Evaluation of a Petition To List the Yellowstone Bison as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0123 under the Supporting Documents section.

Species and Range

Yellowstone bison (*Bison bison bison*); Wyoming

Petition History

On November 14, 2014, we received a petition dated November 13, 2014, from the Western Watersheds Project and Buffalo Field Campaign, requesting that Yellowstone National Park bison be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a).

On March 2, 2015, we received a second petition dated March 2, 2015, from Mr. James A. Horsley, requesting that Yellowstone National Park bison be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In a March 24, 2015, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the petition warranted an emergency listing.

This finding addresses both petitions, as they request the same action for the same entity.

Finding

Based on our review of the petitions and sources cited in the petitions, we find that the petitions do not present substantial scientific or commercial information indicating that the petitioned action may be warranted for the Yellowstone bison (*Bison bison bison*). Because the petitions do not present substantial information indicating that listing the Yellowstone bison may be warranted, we are not initiating a status review of this subspecies in response to these petitions. Our justification for this finding can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2015–0123 under the Supporting Documents section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this subspecies or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

Conclusion

On the basis of our evaluation of the information presented under section 4(b)(3)(A) of the Act, we have determined that the petitions summarized above for the Cabinet-Yaak population of grizzly bear (two petitions), Colorado desert fringe-toed lizard, Kings River slender salamander, sandstone night lizard, and the Yellowstone bison do not present substantial scientific or commercial information indicating that the requested actions may be warranted. Therefore, we are not initiating status reviews for these species.

The petitions summarized above for the Culebra skink, Great Basin silverspot butterfly, greater Saint Croix skink, greater Virgin Islands skink, lesser Saint Croix skink, Mona skink, narrow-foot diving beetle, Northern Rockies population of fisher, Puerto Rico skink, Scott riffle beetle, and Virgin Islands bronze skink present substantial scientific or commercial information indicating that the requested actions may be warranted.

Because we have found that these petitions present substantial information indicating that the petitioned actions may be warranted, we are initiating status reviews to determine whether these actions under the Act are warranted. At the conclusion of the status reviews, we will issue a finding, in accordance with section 4(b)(3)(B) of the Act, as to whether or not the Service believes listing is warranted.

It is important to note that the standard for a 90-day finding differs from the Act's standard that applies to a status review to determine whether a petitioned action is warranted. In making a 90-day finding, we consider only the information in the petition and in our files, and we evaluate merely whether that constitutes ''substantial information'' indicating that the petitioned action ''may be warranted.'' In a 12-month finding, we must complete a thorough status review of the species and evaluate the ''best scientific and commercial data available'' to determine whether a petitioned action ''is warranted.'' Because the Act's standards for 90-day and 12-month findings are different, a substantial 90-day finding does not mean that the 12-month finding will result in a ''warranted'' finding.

References Cited

A complete list of references cited is available on the Internet at *http://www.regulations.gov* and upon request from the appropriate lead field offices (contact the person listed under **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this notice are staff members of the Ecological Services Program, U.S. Fish and Wildlife Service.

Authority

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 31, 2015.

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–00157 Filed 1–11–16; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 151110999–5999–01]

RIN 0648–XE314

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Oceanic Whitetip Shark as Threatened or Endangered Under the Endangered Species Act

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

ACTION: 90-day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce the 90-day finding on a petition to list the oceanic whitetip shark (*Carcharhinus longimanus*) range-wide, or in the alternative, as one or more distinct population segments (DPSs) identified by the petitioners as endangered or threatened under the U.S. Endangered Species Act (ESA). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the species worldwide. Accordingly, we will initiate a status review of oceanic whitetip shark range-wide at this time. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species.

DATES: Information and comments on the subject action must be received by March 14, 2016.

ADDRESSES: You may submit comments, information, or data, by including ''NOAA–NMFS–2015–0152'' by either of the following methods:

- *Federal eRulemaking Portal.* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0152,* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail or hand-delivery:* Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post for public viewing on *http://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: Chelsey Young, NMFS, Office of Protected Resources (301) 427–8491.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 2015, we received a petition from Defenders of Wildlife requesting that we list the oceanic whitetip shark (*Carcharhinus longimanus*) as endangered or threatened under the ESA, or, in the alternative, to list one or more distinct population segments (DPSs), should we find they exist, as threatened or endangered under the ESA. Defenders of Wildlife also requested that critical habitat be designated for this species in U.S. waters concurrent with final ESA listing. The petition states that the oceanic whitetip shark merits listing as an endangered or threatened species under the ESA because of the following: (1) The species faces impacts from various chemical pollutants within its habitat; (2) the species faces threats from historical and continued fishing for commercial purposes; (3) diseases, such as highly pathogenic bacteria, may be impacting the species in conjunction with pollutants; (4) regulations are inadequate to protect the oceanic whitetip shark; (5) life history characteristics and limited ability to recover from fishing pressure make the species particularly vulnerable to overexploitation.

ESA Statutory Provisions and Policy Considerations

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and promptly publish the finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition and in our files indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, which includes conducting a comprehensive review of the best available scientific and commercial information. Within 12 months of receiving the petition, we must conclude the review with a finding as to whether, in fact, the petitioned action is warranted. Because the finding at the 12-month stage is based on a significantly more thorough review of the available information, a ''may be warranted'' finding at the 90-day stage does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS-U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (''DPS Policy''; 61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively; 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, the determination of whether a species is threatened or endangered shall be based on any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. When evaluating whether substantial information is contained in a petition, we must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and

present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

At the 90-day stage, we evaluate the petitioner's request based upon the information in the petition including its references, and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented, if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude that it supports the petitioner's assertions. Conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding, if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species at issue faces extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species at issue (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in ESA section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union for the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

Species Description

Distribution

The oceanic whitetip shark *(Carcharhinus longimanus)* is a large, highly migratory oceanic species of shark, and is one of the most widespread species of shark found throughout the world in epipelagic tropical and subtropical waters between 30 °N. and 35 °S. latitude. In the Western Atlantic, oceanic whitetips occur from Maine to Argentina, including the Caribbean and Gulf of Mexico. In the Central and Eastern Atlantic, the species occurs from Madeira, Portugal south to the Gulf of Guinea, and possibly in the Mediterranean Sea. In the Western Indian Ocean, the species can be found in waters of South Africa, Madagascar, Mozambique, Mauritius and Seychelles, and the Red Sea, and India. Oceanic whitetips are also found throughout the Western and Central Pacific, including China (including Taiwan Island), the Philippines, New Caledonia, Australia (southern Australian coast), Hawaiian Islands south to Samoa Islands, Tahiti and Tuamotu Archipelago and west to Galapagos Islands. Finally, in the Eastern Pacific, the species can be found from southern California to Peru, including the Gulf of California and Clipperton Island (Compagno, 1984).

Physical Characteristics

The oceanic whitetip shark has a stocky build with a large rounded first dorsal fin and very long and wide paddle-like pectoral fins (Compagno, 1984). The head has a short and bluntly rounded nose and small circular eyes with nictitating membranes. The upper jaw contains broad, triangular serrated teeth, while the teeth in the lower jaw are more pointed and are only serrated near the tip (Compagno, 1984). The first dorsal fin is very wide with a rounded tip, originating just in front of the rear tips of the pectoral fins. The second dorsal fin originates over or slightly in front of the base of the anal fin. The body is grayish bronze to brown in color, but varies depending upon geographic location. The underside is whitish with a yellow tinge on some individuals (Compagno, 1984). The species also exhibits a color pattern of mottled white tips on its front dorsal, caudal, and pectoral fins with black tips on its anal fin and on the ventral surfaces of its pelvic fins. They usually cruise slowly at or near the surface with their huge pectoral fins conspicuously outspread, but can suddenly dash for a short distance when disturbed (Compagno, 1984).

Habitat

The oceanic whitetip shark is found in a diverse spectrum of locations: It is a surface-dwelling and predominantly oceanic-epipelagic shark, but occasionally coastal, tropical and warm temperate shark, usually found far offshore in the open sea. It has a clear preference for open ocean waters and its abundance increases away from continental and insular shelves (Backus *et al.,* 1956; Strasburg, 1958; Compagno, 1984). This species sometimes occurs in inshore waters as shallow as 37 m, particularly off oceanic islands or in continental areas where the shelf is very narrow, but is generally found in water with the bottom below 184 m, from the surface to at least 152 m deep. It is thought to primarily occupy the upper layer of the water column, tolerating temperatures from 18–28° C but preferring > 20° C. Although one was caught in water of 15° C, the species tends to withdraw from waters that are cooling below this temperature (*e.g.,* the Gulf of Mexico in winter (Compagno, 1984)).

Feeding Ecology

Oceanic whitetip sharks are high trophic level predators in open ocean ecosystems feeding mainly on teleosts and cephalopods (Backus, 1954; Bonfil *et al.,* 2008), but studies have also reported that they prey on sea birds, marine mammals, other sharks and rays, molluscs and crustaceans, and even garbage (Compagno, 1984; Cortés, 1999). Based on the species' diet, the oceanic whitetip has a high trophic level, with a score of of 4.2 out of a maximum 5.0 (Cortés, 1999)

Life History

The oceanic whitetip has an estimated maximum age of 17 years, although only a maximum age of 13 years has been confirmed (Lessa *et al.,* 1999). In general, this species is said to attain a maximum size of 395.0 cm (Compagno, 1984), with theoretical maximum sizes ranging from 325 to 342 cm total length (TL) (Lessa *et al.,* 1999; Seki *et al.,* 1998, respectively); however, the most common sizes are below 300.0 cm (Compagno, 1984). Age of maturity is slightly different depending on location: In the southwestern Atlantic, age and size of maturity in oceanic whitetips was estimated to be 6–7 years and 180–190 cm TL, respectively, for both sexes (Lessa *et al.,* 1999). In the North Pacific, females become mature at about 168–196 cm TL, and males at 175–189 cm TL, which corresponds to an age of 4 and 5 years, respectively (Seki *et al.,* 1998). In the Indian Ocean, both males and females mature at around 190–200 cm TL (IOTC, 2014). Similar to other carcharhinid species, the oceanic whitetip shark is viviparous with placental embryonic development. The reproductive cycle is thought to be biennial, giving birth on alternate years, after a 10–12 month gestation period. The number of pups in a litter ranges from 1 to 14, with an average of 6, and there is a potential positive correlation between female size and number of pups per litter (Bonfil *et al.,* 2008; Compagno, 1984). Size at birth varies slightly between geographic locations, ranging from 55 to 75 cm TL in the North Pacific, around 65–75 cm TL in the northwestern Atlantic, and 60–65 cm TL off South Africa, with reproductive seasons thought to occur from late spring to summer (Bonfil *et al.,* 2008; Compagno, 1984).

Analysis of Petition and Information Readily Available in NMFS Files

Below we evaluate the information provided in the petition and readily available in our files to determine if the petition presents substantial scientific or commercial information indicating that an endangered or threatened listing may be warranted as a result of any of the factors listed under section 4(a)(1) of the ESA. If requested to list a global population or, alternatively, a DPS, we first determine if the petition presents substantial information that the petitioned action is warranted for the global population. If it does, then we make a positive finding on the petition and conduct a review of the species range-wide. If after this review we find that the species does not warrant listing range-wide, then we will consider whether the populations requested by the petition qualify as DPSs and warrant listing. If the petition does not present substantial information that the global population may warrant listing, but it has requested that we list any distinct populations of the species as threatened or endangered, then we consider whether the petition provides substantial information that the requested population(s) may qualify as DPSs under the discreteness and significance criteria of our joint DPS Policy, and if listing any of those DPSs may be warranted. We summarize our analysis and conclusions regarding the information presented by the petitioners and in our files on the specific ESA section 4(a)(1) factors that we find may be affecting the species' risk of global extinction below.

Oceanic Whitetip Status and Trends

The petition does not provide a global population abundance estimate for oceanic whitetip sharks, but states that the species was formerly one of the most common sharks in the ocean and has undergone serious declines throughout its global range. The petition asserts that a global decline of oceanic whitetip sharks has been caused mainly by commercial fishing (both direct harvest and bycatch) driven by demands of the shark fin trade. In the Northwest and Central Atlantic, the petition cites population declines of up to 70 percent since the early 1990s, and even more significant historical declines of up to 99 percent in the Gulf of Mexico since the 1950s. In the Southwest and equatorial Atlantic, the petition points to various but limited pieces of information indicating potential population declines and high fishing pressure in this region. In the Western and Central Pacific, the petition provides numerous lines of evidence, including a recent stock assessment report as well as other standardized catch per unit effort (CPUE) data, that oceanic whitetips have suffered significant population declines (> 90 percent in some areas) as well as declines in size and biomass in both the greater Western and Central Pacific as well as Hawaii. In the Eastern Pacific, the petition cites limited information based on nominal CPUE data that indicates an estimated 95 percent decline in bycatch rates of oceanic whitetips in purse seine fisheries. Finally, in the Indian Ocean, the petition notes that while trend information is limited for this region, a limited number of studies as well as some anecdotal information indicate that oceanic whitetip populations may be declining.

The last IUCN assessment of the oceanic whitetip shark was completed in 2006 and several estimates of global and subpopulation trends and status have been made and are described in the following text. In the Northwest Atlantic, declines in relative abundance cited by the petitioner were derived from standardized catch-rate indices estimated from self-reported fisheries logbook data by pelagic commercial longline fishers in Baum *et al.* (2003) and Cortés *et al.* (2007). The logbook data indicated declines of 70 percent from 1992 to 2000 (Baum *et al.,* 2003) and 57 percent from 1992 to 2005 (Cortés *et al.,* 2007). However, standardized catch-rate analysis of data collected by on-board scientific observers that sample the same pelagic longline fishery resulted in a less pronounced decline than the logbook series (9 percent vs. 57 percent) while the nominal observer series showed a 36

percent decline (Cortés *et al.,* 2007). It should be noted that the sample size for oceanic whitetips in the observer analysis was substantially lower than for the other species, and changes in hook depth, which are particularly important in catching oceanic whitetips, were not considered. Thus, these trends should be regarded with caution. Overall, despite the 57 percent decline from the standardized logbook data from 1992–2005, Cortes *et al.* (2007) reports that the latter portion of the time series shows a stable and possibly increasing trend for oceanic whitetips from 2000–2005. In contrast to the 9 percent decline found in the analysis of observer data in Cortes *et al.* (2007), a more recent analysis using observer data between 1996 and 2005 provides additional evidence that the abundance of oceanic whitetips has declined over this time period. The estimated rate of change in oceanic whitetips equated to a 50 percent decline (95 percent CI: 17–70 percent) between1992 and 2005 (Baum and Blanchard, 2010); however, the authors noted that although model estimates suggest significant declines in oceanic whitetip sharks between 1992 and 2005, the high degree of interannual variability in the individual year estimates suggests that the catch rates have not been fully standardized (*i.e.,* covariates that significantly influence catch rates of these species were not included in the models) and limits what can reasonably be inferred about the relative abundance of the species.

In the Gulf of Mexico, the petition cited Baum and Myers (2004), which compared longline CPUE from research surveys from 1954–1957 to observed commercial longline sets from 1995–1999, and determined that the oceanic whitetip had declined by more than 150-fold, or 99.3 percent (95 percent CI: 98.3–99.8 percent) in the Gulf during that time. However, the methods and results of Baum *et al.* (2003) and Baum and Myers (2004) were critiqued by Burgess *et al.* (2005), who agreed that abundance of large pelagic sharks had declined but presented arguments that the population declines were probably less severe than indicated by these. Of particular relevance to oceanic whitetip, Burgess *et al.* (2005) noted that the change from steel to monofilament leaders between the 1950s and 1990s could have reduced the catchability of all large sharks, and the increase in the average depth of sets during the same period could have reduced the catchability of the surface-dwelling oceanic whitetip (FAO 2012). After a re-analysis of the same data and correcting for the aforementioned factors, declines of oceanic whitetip in the Gulf of Mexico were estimated to be 88 percent rather than 99 percent (Driggers *et al.,* 2011).

Thus, abundance trend estimates derived from standardized catch rate indices of the U.S. pelagic longline fishery suggest that oceanic whitetips have likely undergone a decline in abundance in this region. However, the conflicting evidence regarding the magnitude of decline between the fisheries logbook data and observer data cannot be fully resolved at this time. While the logbook dataset is the largest available for the western North Atlantic Ocean, the observer dataset is generally more reliable in terms of consistent identification and reporting, particularly of bycatch species. Data are not available in the petition or in our own files to assess the trend in population abundance in this region since 2006. However, because the logbook data from this region show consistent evidence of a significant and continued decline in oceanic whitetip sharks, we must consider this information in our 90-day determination.

The petition cites several lines of evidence indicating that oceanic whitetips in the Western and Central Pacific have suffered significant population declines throughout the region, including declining trends in standardized CPUE data as well as biomass and size indices. The most reliable evidence likely comes from the first and only stock assessment of oceanic whitetip, in which standardized CPUE series were estimated in the Western and Central Pacific based on observer data held by the Secretariat of the Pacific Community (SPC) and collected over the years from 1995–2009. Based on the data in the oceanic whitetip stock assessment, the median estimate of oceanic whitetip biomass in the Western Central Pacific in 2010 was 7,295 tons, which would be equivalent to a population of roughly 200,000 individuals. This stock assessment report (Rice and Harley, 2012) concluded that the catch, CPUE, and size composition data for oceanic whitetip all show consistent declines from 1995–2009. In addition to the stock assessment report, another study analyzing catch rates from observer data confirmed significant population declines for the oceanic whitetip. Standardized CPUE of longline fleets in the Western and Central Pacific declined significantly for oceanic whitetip sharks in tropical waters by 17 percent per year (CI: 14 percent to 20 percent) from 1996 to 2009, which equates to a total decline in annual values of 90 percent, with low uncertainty in the estimates (Clarke *et al.,* 2012). This study also found a decrease in size of female oceanic whitetips in their core tropical habitat, and that all individuals sampled from purse-seine fisheries since 2000 have been immature. More recently, Rice *et al.* (2015) confirmed that population declines of oceanic whitetips have continued since the stock assessment report was completed in 2009. Specifically, the standardized oceanic whitetip shark trend decreases steadily over 1995–2014, with a large decrease from 2013–2014 in the standardized CPUE, indicating continuing population declines in this region. In fact, the study concluded that if the population of oceanic whitetip shark doubled since the stock assessment, it would still be overfished (Rice *et al.,* 2015).

Separate analyses have also been conducted for Hawaiian pelagic longline fisheries that found similar declines. Brodziak and Walsh (2013) showed a highly significant decreasing trend in standardized CPUE of oceanic whitetip from 1995 to 2010, resulting in a decline in relative abundance on the order of 90 percent. These results were similar to earlier results from Clarke and Walsh (2011) that also found oceanic whitetip CPUE decreased by greater than 90 percent since 1995 in the Hawaii-based pelagic longline fishery. These results suggest that declines of oceanic whitetip populations are not just regional, but rather a Pacific-wide phenomenon.

The petition acknowledged that in the Eastern Pacific, assessments of oceanic whitetip declines are less prevalent, but provided some information that oceanic whitetips have suffered significant population declines as a result of purse-seine fisheries in this region. According to the Inter-American Tropical Tuna Commission (IATTC), unstandardized nominal catch-rate data for the oceanic whitetip shark from purse-seine sets on floating objects, unassociated sets and dolphin sets all show decreasing trends since 1994 (IATTC, 2007). On floating object sets in particular, nominal incidental catch of oceanic whitetip declined by approximately 95 percent (FAO, 2012).

Likewise, in other areas of the world, estimates of oceanic whitetip abundance are limited. In the Indian Ocean, the status and abundance of shark species is poorly known despite a long history of research and more than 60 years of commercial exploitation by large-scale tuna fisheries (Romanov *et al.,* 2010). Available standardized CPUE indices from Japanese and Spanish longline fisheries are limited and indicate conflicting trends, although both datasets indicate overall population

declines ranging from 25–40 percent. Presently, there is no quantitative stock assessment and only limited basic fishery indicators are currently available for oceanic whitetip sharks in the Indian Ocean; therefore, the stock status is uncertain. However, in addition to the limited data available indicating some level of population decline, anecdotal information suggests that oceanic whitetip shark abundance has declined over recent decades and the species has become rare throughout much of the Indian Ocean basin over the last 20 years (IOTC, 2014). With such high pelagic fishing effort in this region, and no indication that fishing pressure will cease in the foreseeable future, the species may continue to experience declines in this portion of its range.

In conclusion, across the species' global range we find evidence suggesting that population abundance of the oceanic whitetip shark is declining or, in the Northwest Atlantic Ocean, potentially stabilized. While data are still limited with respect to population size and trends, we find the petition and our files sufficient in presenting substantial information on oceanic whitetip shark abundance, trends, or status to indicate the petitioned action may be warranted.

ESA Section 4(a)(1) Factors

The petition indicated that oceanic whitetip sharks merit listing due to all five ESA section 4(a)(1) factors: Present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and other natural or manmade factors affecting its continued existence. We discuss each of these below based on information in the petition, and the information readily available in our files.

Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The petition contends that oceanic whitetip sharks are at risk of extinction throughout their range due to pollutants, especially those that are able to bioaccumulate and biomagnify to high concentrations as a result of the species' high trophic position, long life, and large size. Of particular concern to the petitioners are high polychlorinated biphenyl (PCB) and mercury concentrations in oceanic whitetip shark tissues, which can cause a variety of negative physiological impacts. A study cited by the petition that analyzed the pollutant composition of an amalgamated liver oil sample taken from three shark species (including oceanic whitetip, silky (*Carcharhinus falciformis*), and nurse (*Ginglymostoma cirratum*) sharks) looked at dioxins and dioxin-like PCBs in the sample (Cruz-Nuñez *et al.,* 2009). The petition states that the study found very high levels of both of these pollutants in the tested liver oil, and, in comparison to levels found in smooth hammerhead sharks (Storelli *et al.,* 2003), these levels would likely exceed threshold levels of PCBs for some cell- and molecular-level effects seen in aquatic vertebrates. However, the former study (Cruz-Nuñez *et al.,* 2009) was based on an amalgamated liver oil sample taken from an unknown composition of three different shark species, the results of which cannot be solely attributed to the oceanic whitetip. Additionally, of the 33 species for which published data are available, only two have been shown to exhibit PCB concentrations above the threshold for organism-level effects in fish and aquatic mammals (*e.g.,* growth and reproduction, which are impaired at PCB concentrations >50 µg/g;): The Greenland shark (*Somniosus microcephalus*) and bull shark (*Carcharhinus leucas*) (Gelsleichter and Walker, 2010). The petition also states that high concentrations of mercury found in oceanic whitetip sharks can interact with the presence of any PCBs and exacerbate mercury neurotoxicity; however, the petition did not provide any evidence that such impacts are presently affecting oceanic whitetip populations.

Generally, we look for information in the petition and in our files to indicate that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion. Despite providing evidence that oceanic whitetip sharks accumulate pollutants in their tissues, the petitioners fail to provide evidence that these concentrations of PCBs and mercury are causing detrimental physiological effects to the species or may be contributing significantly to population declines in oceanic whitetip sharks to the point where the species may be at risk of extinction. In addition, we did not find any information in our files to suggest that pollutants are negatively impacting oceanic whitetip shark populations, such that it poses an extinction risk to the species. As such, we conclude that the information presented in the petition, and in our own files, on threats to the habitat of the oceanic whitetip shark does not provide substantial information indicating that listing may be warranted for the species.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition states that the threat of overutilization, as a result of historical and continued catch of the species in both targeted fisheries and, more importantly, incidentally as bycatch, is the primary driver of population declines observed for oceanic whitetip sharks. More specifically, the petition states that because oceanic whitetip fins are highly valued in the international fin market, with values of $45–85 per kilogram and categorized as ''first choice'' in Hong Kong, overutilization driven by the shark fin trade has resulted in population declines of oceanic whitetip. In fact, demand from the international fin market is considered to be the primary force driving retention of bycatch of this species, as the meat is considered to be of low commercial value (Mundy-Taylor and Crooke, 2013). Evidence suggests that the oceanic whitetip shark may account for approximately 2.8 percent [CI: 1.6–2.1 percent] of the fins auctioned in Hong Kong, one of the world's largest fin-trading centers (Clarke, 2006). This translates to approximately 200,000 to 1.3 million oceanic whitetips that may enter the global fin trade each year (Clarke, 2006). Given the ease of morphological identification of oceanic whitetip fins by traders, the best estimate of oceanic whitetip sharks' contribution to the trade is likely more accurate than that for other species because these fins are less likely to be inadvertently sorted into other categories. We found additional evidence in our files that oceanic whitetips are highly utilized in the shark fin trade. In a genetic barcoding study of shark fins from markets in Taiwan, oceanic whitetips were one of 20 species identified and comprised 0.38 percent of collected fin samples. Additionally, oceanic whitetips comprised 1.72 percent of fins genetically tested from markets throughout Indonesia (the largest shark catching country in the world). In another genetic barcoding study of fins from United Arab Emirates, the fourth largest exporter in the world of raw dried shark fins to Hong Kong, the authors found that the oceanic whitetip represented 0.45 percent of the trade from Dubai (Jabado *et al.,* 2015). Overall, the fact that oceanic whitetips are highly valued and preferentially retained for their fins, are possibly targeted in some areas, and comprise a portion of the Hong Kong fin-trading auction suggests that overutilization via the fin trade may be a threat

contributing to the extinction risk of the species.

In addition to the many oceanic whitetips that are retained as bycatch in fisheries throughout its range, the petition contends that many oceanic whitetips incidentally caught as bycatch will die even when they are not retained as a result of post-capture mortality (*i.e.,* mortality that occurs once the species is hooked and hauled in) and post-release mortality (*i.e.,* mortality that occurs after the species is released). Based on the available information in the petition and in our files, we found that oceanic whitetips have relatively high survivorship in comparison to other pelagic shark species when caught on longline gear. For example, in Portuguese longline fisheries targeting swordfish in the Atlantic Ocean, 66 percent of oceanic whitetips were alive at haul-back in comparison to smooth hammerhead or silky sharks, of which only 29 percent and 44 percent, respectively, were alive at haul-back (Coelho *et al.,* 2012). In addition, a large proportion of the oceanic whitetip sharks taken as bycatch in the U.S. Atlantic pelagic longline fishery are alive when brought to the vessel (>75 percent; (Beerkircher *et al.,* 2002) and between 65–88 percent are still alive at haul-back in the Fijian longline fishery (Gilman *et al.,* 2008). However, we do agree with the petition that these numbers do not account for post-release mortality, and although oceanic whitetips have higher survivorship than some other pelagic shark species, these sources of mortality must also be taken into consideration.

In the Northwest and Central Atlantic and Gulf of Mexico, the oceanic whitetip was once described as the most common pelagic shark throughout the warm-temperate and tropical waters of the Atlantic and beyond the continental shelf in the Gulf of Mexico. Historically, oceanic whitetips were caught as bycatch in pelagic longline fisheries targeting tuna and swordfish in this region, with an estimated 8,526 individuals recorded as captured in these fisheries logbooks from 1992 to 2000 (Baum *et al.,* 2003). The petition contends that due to continued exploitation, beginning in the 1950s and 1960s, combined with the species' vulnerability to pelagic longline fisheries, oceanic whitetips have undergone significant population declines in this region. As previously described, estimates of decline vary, and range from up to 70 percent in the Northwest Atlantic and up to 88 percent in the Gulf of Mexico. In order to implement the International Commission for the Conservation of Atlantic Tuna (ICCAT) recommendation 10–07 for the conservation of oceanic whitetip sharks, the species has been prohibited in U.S. Atlantic pelagic longline fisheries since 2011. However, it should be noted that oceanic whitetip sharks are still caught as bycatch in this region despite its prohibited status (NMFS, 2012; 2014), although bycatch numbers have decreased. Since the prohibition was implemented in 2011, estimated commercial landings of oceanic whitetip declined from 1.1 mt in 2011 to only 0.03 mt in 2013 (NMFS 2012; 2014 SAFE Reports). In 2013, NMFS reported a total of 33 oceanic whitetip prohibited interactions, with 88 percent released alive. In addition to population declines, the petition cites information suggesting that oceanic whitetip sharks have experienced decreasing sizes in this region, indicating unsustainable catch. In comparison to surveys conducted in the 1950s, mean weight of oceanic whitetip sharks in the 1990s showed a decline of 35 percent in the Gulf of Mexico (Baum and Myers, 2004). Further, off the Southeastern United States, most of the observed catches of oceanic whitetip from 1992–2000 were below the species' size of maturity. In addition to the recorded commercial utilization of the species, the petition also notes that illegal, unreported and unregulated (IUU) fishing is problematic, particularly in the Gulf of Mexico, where the petition states that Mexican fishermen are illegally catching an estimated 3 to 56 percent of the total U.S. commercial shark quota, and between 6 and 108 percent of the Gulf of Mexico regional commercial quota, which further contributes to overutilization of the species. However, the quotas the petition refers to are actually for large coastal sharks rather than pelagic sharks, and most of the species caught are not oceanic whitetips. Overall, evidence suggests that oceanic whitetip sharks have suffered significant population declines in the Northwest Atlantic and Gulf of Mexico, likely as a result of fishing pressure. Although the magnitude of population declines remains uncertain, we find substantial evidence to suggest that overutilization may be a threat to the species in this region that warrants further exploration to determine whether it contributes significantly to the species' extinction risk.

In the Southwest and equatorial Atlantic, the oceanic whitetip is commonly caught in both longline and purse-seine fisheries. The petition notes that data concerning oceanic whitetip population trends are less abundant in this region, but claims there is significant evidence of decline where the species was formerly abundant. In this region, oceanic whitetips were historically reported as the second-most abundant shark, outnumbered only by blue shark, in research surveys between 1992 and 1997 (FAO 2012). However, more recent observer data from the Uruguayan longline fleet operating in this region reported low CPUE values for oceanic whitetip from 2003 to 2006, with the highest CPUE recorded not exceeding 0.491 individuals/1,000 hooks. In total, only 63 oceanic whitetips were caught on 2,279,169 hooks and most were juveniles (Domingo *et al.,* 2007). Though these data do not indicate whether a decline in the oceanic whitetip population occurred, they clearly show that this species is currently not abundant in this area. Additionally, total landings of oceanic whitetip in the Brazilian tuna longline fishery have shown a continuous decline, decreasing from about 640t in 2000 to 80t in 2005. However, like the previous study, CPUE data are not available for the species; thus, it is impossible to evaluate if such a decline resulted from a lower abundance or from changes in catchability, related, for instance, to targeting strategies (Hazin *et al.,* 2007). However, in another recent study from the South Atlantic, almost 80 percent of the oceanic whitetip sharks caught in the Brazilian longline tuna fleet between 2004 and 2009 were juveniles (Tolotti *et al.,* 2010), which, in combination with significantly low catches and low patchy abundance in areas where the species was formerly abundant, may be indicative of significant fishing pressure leading to population declines. Further, increases in effort of the Spanish longline fleet, as well as the expansion of fishing activities by southern coastal countries, such as Brazil and Uruguay, occurred in the early to mid-1990s (FAO, 2012), which may have contributed to declines in oceanic whitetip abundance. Without any robust standardized fisheries data to account for various factors that may affect the catch rate of oceanic whitetip, the species' abundance and trends in this region are highly uncertain. However, we agree with the petition that the available information indicates that overutilization may be a threat to the species in this region, as evidenced by low catch rates and landings in various fisheries that comport with increases in fishing effort, as well as the prevalence of immature sharks comprising the majority of catches of major pelagic longline fishing fleets in the region.

As in the Atlantic Ocean, the oceanic whitetip was also formerly one of the most abundant sharks throughout the Pacific Ocean. Evidence shows that oceanic whitetips commonly interact with both longline and purse-seine fisheries throughout the Pacific, with at least 20 member nations of the Western and Central Pacific Fisheries Commission recording the species in their fisheries. In the Western and Central Pacific, where sharks represent 25 percent of the longline fishery catch, observer data show that the oceanic whitetip shark is the 5th most common species of shark caught as bycatch out of a total 49 species reported by observers, and represents approximately 3 percent of the total shark catch. Additionally, the oceanic whitetip is the 2nd most common species of shark caught as bycatch in purse-seine fisheries in this region, representing nearly 11 percent of the total shark catch (Molony, 2007). In a recent stock assessment of oceanic whitetip sharks in the Western and Central Pacific, the greatest impact on the species is attributed to bycatch from the longline fishery, with lesser impacts from target longline activities and purse-seining (Rice and Harley, 2012). From 1995 to 2009, rates of fishing mortality consistently increased, driven mainly by the increased effort in the longline fleet over the same time period, and remain substantially above maximum sustainable yield (MSY) (*i.e.,* the point at which there would be an equilibrium) for the species. As a result of this increasing fishing pressure, estimated spawning biomass declined by 86 percent over the time period, which is far below spawning biomass at MSY, indicating that the stock is overfished. Further, estimates of the stock depletion are that the total biomass has been reduced to only 6.6 percent of the theoretical equilibrium virgin biomass. In fact, the stock assessment concluded that fishing mortality on oceanic whitetip sharks in the Western and Central Pacific has increased to levels 6.5 times what is sustainable, thus concluding that overfishing is still occurring. Given that fishing pressure began well before the start of this time series, the authors of the stock assessment noted that it was not assumed that the oceanic whitetip population was at an unfished state of equilibrium at the start of the model (*i.e.,* 1995). Thus, these declines do not reflect total historical population declines for the species in this region prior to the study. Further, this study does not include removals of oceanic whitetips from Indonesia and the Philippines, which are two major shark catching nations in this region.

Although standardized CPUE data for the purse-seine fishery are not available, the oceanic whitetip is one of only two species frequently caught in this fishery and has exhibited declines that resemble those in the longline fishery (Clarke *et al.,* 2012). As a result of the intensive fishing pressure in the Western and Central Pacific, size trends for oceanic whitetip are also declining, which may also be indicative of overutilization of the species, particularly due to the potential correlation between maternal length and litter size. Clarke *et al.* (2012) report the length of female oceanic whitetip sharks from the longline fishery declined in their core tropical habitat. Similarly, while Rice *et al.* (2015) more recently report that trends in oceanic whitetip median length are stable, the majority of sharks observed are immature. Similarly, since 2000, 100 percent of oceanic whitetips sampled in the purse-seine fisheries have been immature (Clarke *et al.,* 2012). Thus, the significant declining trends observed in all available abundance indices (*e.g.,* standardized CPUE, biomass and average size) of oceanic whitetips as a result of fishing mortality in both longline and purse-seine fisheries indicate that overutilization of the species may be occurring in the Western and Central Pacific.

In the Central Pacific, oceanic whitetips are commonly caught as bycatch in Hawaii-based fisheries, and comprise 3 percent of the shark catch (Brodziak and Walsh, 2013). Based on observer data from the Pacific Islands Regional Observer Program (PIROP), oceanic whitetip shark mean annual nominal CPUE decreased significantly from 0.428/1000 hooks in 1995 to 0.036/1000 hooks in 2010. This reflected a significant decrease in nominal CPUE on longline sets with positive catch from 1.690/1000 hooks to 0.773/1000 hooks, and a significant increase in longline sets with zero catches from 74.7 percent in 1995 to 95.3 percent in 2010. When standardized to account for factors such as sea surface temperature, fishery sector, and latitude, oceanic whitetip CPUE declined by more than 90 percent in the Hawaii-based longline fishery since 1995. Brodziak and Walsh (2013) found similar results by using several models in order to make an accurate assessment of the species' CPUE from 1995 to 2010 in the Hawaii-based shallow-set and deep-set longline fisheries. They also found a highly significant decreasing trend in standardized CPUE from 1995 to 2010, resulting in a decline in relative abundance on the order of 90 percent due to increased sets with zero catches as well as decreased CPUE on sets with positive catch. The authors of this study concluded that relative abundance of oceanic whitetip declined within a few years of the expansion of the longline fishery.

In the Eastern Pacific Ocean, oceanic whitetip sharks are most often taken as bycatch by ocean purse-seine fisheries. The oceanic whitetip shark was historically described as the second most common shark caught by the purse-seine fishery in the EPO (Compagno, 1984), and information collected by observers between 1993 and 2004 indicates this is still the case. In a recent effort to evaluate species composition of bycatch in Eastern Pacific purse-seine fisheries, species identification data for the Shark Characteristics Sampling Program showed that between March 2000 and March 2001, the oceanic whitetip comprised 20.8 percent of the total shark bycatch, second only to silky sharks (Román-Verdesoto and Orozco-Zöller, 2005). Since the mid-1980s, the tuna purse-seine fishery in the Pacific has been rapidly expanding (Williams and Terawasi, 2011), and despite the increase in fishery effort (or perhaps as a consequence of this increased fishing pressure), incidental catch of oceanic whitetips declined by more than 95 percent in the Eastern Pacific between 1994 and 2006. However, this decline is based on an unstandardized index using observer data from 100 percent of sets during the relatively short period that fish aggregating devices have been used (FAO, 2012). Overall, we found that apart from blue and silky sharks, there are no stock assessments available for shark species in the Eastern Pacific, and hence the impacts of bycatch on the population are unknown (IATTC, 2014). Nonetheless, a potential decline of this magnitude over a short period of time indicates that overutilization of the oceanic whitetip may be occurring in Eastern Pacific purse-seine fisheries, and warrants further investigation to determine whether it may be contributing significantly to the species' extinction risk.

In the Indian Ocean, oceanic whitetip sharks are targeted by some semi-industrial and artisanal fisheries and are bycatch of industrial fisheries, including gillnet fisheries, pelagic longlines targeting tuna and swordfish and purse-seine fisheries. Countries that fish for various pelagic species of sharks include: Egypt, India, Iran, Oman, Saudi Arabia, Sudan, United Arab Emirates, and Yemen, where the probable or actual status of shark populations is

unknown, and Maldives, Kenya, Mauritius, Seychelles, South Africa, and United Republic of Tanzania, where the actual status of shark populations is presumed to be fully to over-exploited (DeYoung, 2006). While fisheries are directed at other species, oceanic whitetip sharks are commonly caught as bycatch and catch rates are considered high (IOTC, 2014); however, the available information from Indian areas-fleets reports relatively low prevalence of this species among target and/or other bycatch species caught by longliners targeting swordfish or tuna (Ramos-Cartelle *et al.,* 2012). Available fisheries data from Japanese and Spanish longline fishing fleets show conflicting catch trends. Standardized CPUE of the Japanese longline fleet in the Indian Ocean show a gradual decline of almost 40 percent from 2003 to 2009 (Semba and Yokawa, 2011). Standardized CPUE of the Spanish longline fishery from 1998 to 2011 showed large historical fluctuations and a general decreasing trend in 1998–2007, followed by an increase thereafter. Overall, the magnitude of decline in this study was estimated to be about 25–30 percent (Ramos-Cartelle *et al.,* 2012). Nominal catches for oceanic whitetips also declined over this time period, peaking in 1999 with 3,050 mt and steadily declining to 245 mt in 2009. However, catch estimates for oceanic whitetip shark are uncertain, as only five contracting parties (CPCs) have reported detailed data on shark landings (*i.e.,* Australia, EU (Spain, Portugal and United Kingdom), I.R. Iran, South Africa, and Sri Lanka) (IOTC, 2014). In fact, catches of oceanic whitetips in the Indian Ocean are thought to be nearly 20 times higher than the estimates reported in the Indian Ocean Tuna Commission (IOTC) database (Murua *et al.,* 2013). Additionally, oceanic whitetips were found to have relatively high vulnerability to pelagic longline fisheries in the Indian Ocean. In 2012, an Ecological Risk Assessment (ERA) was developed by the IOTC Scientific Committee to quantify which shark species are most at risk from the high levels of pelagic longline fishing pressure. In this ERA, the IOTC Scientific Committee noted that oceanic whitetip received a high vulnerability ranking (No. 5 out of 17) for longline gear because it was estimated as one of the least productive shark species, and was also characterized by a high susceptibility to longline gear (Murua *et al.,* 2012). Oceanic whitetip shark was also estimated as being the most vulnerable shark species to purse-seine gear (Murua *et al.,* 2013). Overall, available standardized CPUE indices from Japanese and Spanish longline fleets indicate conflicting trends, with no quantitative stock assessment and only limited basic fishery indicators currently available for the species. However, there are no CPUE data available from gillnet fisheries, which is responsible for the majority of catches of oceanic whitetips in the Indian Ocean (Murua *et al.,* 2013). Therefore, the IOTC noted in 2014 that the stock status of oceanic whitetip is uncertain. However, the IOTC also reported in 2014 that ''maintaining or increasing effort in this region will probably result in declines in biomass, productivity and CPUE'' for oceanic whitetip sharks (IOTC, 2014). Thus, while catch data are incomplete and cannot be used to estimate abundance levels or determine the magnitude of catches or trends for oceanic whitetips at this time, pelagic fishing effort in this region is high, with no indication that fishing pressure will cease in the foreseeable future. Given the foregoing information, we conclude that overutilization may be a threat to the species in the Indian Ocean and warrants further exploration to determine if it is contributing significantly to the extinction risk of the species.

Overall, there is considerable uncertainty regarding the actual catch levels and trends of oceanic whitetip shark occurring throughout its range; however, it is likely that these rates are significantly under-reported due to a lack of comprehensive observer coverage in areas of its range in which the highest fishing pressure occurs, as well as a tendency for fishers to not record discards in fishery logbooks. Nevertheless, given the prevalence of oceanic whitetip as incidental catch throughout its range and its high value in the shark fin trade, combined with the species' low to moderate productivity (see *Factor E—Other or Natural Manmade Factors*), bycatch-related fishing mortality may be a threat placing the species at an increased risk of extinction. Overall, trends in the Northwest and Central Atlantic Ocean and Gulf of Mexico suggest that the species experienced historical declines from overexploitation, but may be stabilized in recent years, although there is considerable uncertainty regarding these trends. Across the Pacific, numerous lines of evidence suggest that oceanic whitetip sharks are experiencing significant and continued population declines as a result of fishing pressure. Elsewhere across the species' range, information in the petition and in our files suggests that the species may continue to experience declines as a result of overutilization from both direct and indirect fishing pressure. In summary, the petition, references cited, and information in our files comprise substantial information indicating that listing may be warranted because of overutilization for commercial purposes.

Disease and Predation

The petition contends that the oceanic whitetip shark is at risk of extinction throughout its range because some oceanic whitetip sharks are infected with a highly pathogenic bacterium, *Vibrio harveyi* (Zhang, *et al.,* 2009), which is known to cause deep dermal lesions, gastro-enteritis, eye lesions, infectious necrotizing enteritis, vasculitis, and skin ulcers in vertebrate marine species (Austin and Zhang, 2006). The petition asserts that since this bacterium is considered to be more serious in immunocompromised hosts (Austin and Zhang, 2006), it may act synergistically with the potential high pollutant loads that oceanic whitetip sharks experience, creating an increased threat to the species. As noted previously, we generally look for information in the petition and in our files to indicate that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion. However, the petition did not provide, nor could we find in our files, any supporting evidence that this bacterium is contributing to population declines in oceanic whitetip sharks to the point where the species may be at risk of extinction.

Inadequacy of Existing Regulatory Mechanisms

The petition asserts that the existing international, regional, and national regulations do not adequately protect the oceanic whitetip shark and have been insufficient in preventing population declines. Additionally, the petition asserts that most existing regulations are inadequate because they limit retention of the oceanic whitetip shark and argues that the focus should be on limiting the catch of oceanic whitetip sharks in order to decrease fishery-related mortality, particularly given what the petition contends are the species' high post-catch mortality rates. Among the regulations that the petition cites as inadequate are shark finning bans and shark finning regulations. Shark finning bans are currently one of the most widely used forms of shark utilization regulations, and the petition notes that 21 countries, the European Union, and 9 Regional Fisheries

Management Organizations (RFMOs) have implemented shark finning bans (CITES, 2013). However, the petition contends that these shark finning bans are often ineffective as enforcement is difficult or lacking, implementation in RFMOs and international agreements is not always binding, and catches often go unreported (CITES, 2013). The petition also states that shark finning regulations tend to have loopholes that can be exploited to allow continued finning. Many shark finning regulations require that both the carcass and the fins be landed, but not necessarily naturally attached. Instead, the regulations impose a fin to carcass ratio weight, which is usually 5 percent (Dulvy *et al.,* 2008). This allows fishermen to preferentially retain the carcasses of valuable species and valuable fins from other species in order to maximize profits (Abercrombie *et al.,* 2005). In 2010, the United States passed the Shark Conservation Act, which except for a limited exception regarding smooth dogfish, requires all sharks to be landed with their fins attached, abolishing the fin to carcass ratio (although this requirement was already implemented in 2008). Additionally, several U.S. states have prohibited the sale or trade of shark fins/products as well, including Hawaii, Oregon, Washington, California, Illinois, Maryland, Delaware, New York and Massachusetts, subsequently decreasing the United States' contribution to the fin trade. For example, after the state of Hawaii prohibited finning in its waters in 2000 and required shark fins to be landed with their corresponding carcasses in the state, shark fin imports from the United States into Hong Kong declined significantly (54 percent decrease, from 374 to 171 tonnes) as Hawaii could no longer be used as a fin trading center for the international fisheries operating and finning in the Central Pacific (Miller *et al.,* 2014). However, in other parts of the species' range, the inadequacy of existing finning bans may be contributing to further declines in the species by allowing the wasteful practice of shark finning at sea to continue.

In the U.S. Atlantic, oceanic whitetip sharks are managed as part of the Pelagic shark complex under the U.S. Highly Migratory Species Fishery Management Plan (HMS FMP). The petition states that while the United States has a patchwork of measures that protect the oceanic whitetip to varying degrees, none of these measures (*i.e.,* catch quotas, species-specific retention bans, and shark-finning bans) are adequate to protect the species. More specifically, the petition asserts that the catch quota for the pelagic complex under the U.S. HMS FMP of 488 mt, in which catches of oceanic whitetip is combined with other species, is inadequate because it is not species-specific, and, as a result, all or none of the 488 tons of sharks from this quota could be oceanic whitetips. The petition also states that the final rule to implement the 2010 International Commission on the Conservation of Atlantic Tunas (ICCAT) recommendations, which prohibits the retention, transshipping, landing, storing, or selling of oceanic whitetip sharks caught in association with fisheries managed by ICCAT, is inadequate because these regulations are limited in scope, such that some commercial and recreational fisheries are still allowed to catch oceanic whitetip sharks. The petition also asserts that these regulations are inadequate because they only apply in the Atlantic and Gulf of Mexico in Federal waters. We disagree with these assertions by the petition. We find that U.S. national fishing regulations include numerous regulatory mechanisms for both sharks in general, and oceanic whitetip specifically, that may help protect the species. Since 2002, well before the prohibition of oceanic whitetips in Atlantic HMS pelagic longline fisheries, total commercial landings of oceanic whitetip have rarely exceeded 1 mt, which represents a minimal portion of the 488 mt quota for the Pelagic complex group. Given that most U.S.-flagged vessels fish at the northernmost part of the range of the oceanic whitetip, the low abundance of this species likely reflects the distribution of the fishery (Beerkircher *et al.,* 2002). Additionally, since the implementation of ICCAT recommendations in 2011, estimated commercial landings of oceanic whitetip declined from 1.1 mt to only 0.03 mt (NMFS, 2012 and 2014 SAFE Reports). Further, oceanic whitetip sharks are not targeted in U.S. recreational fisheries. In fact, estimates of recreationally harvested oceanic whitetips have been zero since 2002. On the other hand, we agree with the petition that these regulations do not necessarily address incidental catch of the species and subsequent mortality that may result. However, in 2013, NMFS reported a total of 33 prohibited interactions with oceanic whitetip, with 88 percent released alive (NMFS, 2014 SAFE Report), which is a relatively high rate of survivorship. Thus, while we find that the petitioners are incorrect in their assertions that regulations pertaining to oceanic whitetip shark in U.S. Atlantic HMS fisheries offer minimal to no protection to the oceanic whitetip, we will evaluate the potential inadequacy of these and the other existing regulations in relation to the threat of overutilization of the species during the status review.

In terms of other national measures, the petition provides a list of countries that have prohibited shark fishing in their respective waters or created shark-specific marine protected areas, but notes that many suffer from enforcement related issues, citing cases of illegal fishing and shark finning. The petition also highlights enforceability issues associated with international agreements, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), regarding oceanic whitetip shark utilization and trade. The oceanic whitetip is listed under Appendix II of CITES, which means commercial trade of the species is regulated, but not prohibited. Based on the information presented in the petition as well as information in our files, we find that oceanic whitetip fins are highly valued and preferred in the shark fin trade, and can be identified in the shark fin market at the species level. While regulations banning the finning of sharks are a common form of shark management, we find that further evaluation of the inadequacy of existing regulatory measures is needed to determine whether this may be a threat contributing to the extinction risk of the species.

Other Natural or Manmade Factors Affecting Its Existence

The petition states that oceanic whitetips have an increased susceptibility to extinction because they are a ''K-selected'' or ''K-strategy'' species. In other words, the petition asserts that the biological constraints of the oceanic whitetip shark, such as its low reproduction rate (typically 5–6 pups per litter), coupled with the time required to reach maturity (approximately 4–7 years) and the species' biennial reproductive cycle, contribute to the species' vulnerability to harvesting and its inability to recover rapidly. It is true that the oceanic whitetip shark and pelagic sharks, in general, exhibit relatively slow growth rates and low fecundity; however, oceanic whitetip sharks are considered to be a moderately productive species relative to other pelagic sharks. Smith *et al.* (1998) investigated the intrinsic rebound potential of Pacific sharks and found oceanic whitetips have a moderate rebound potential, because of

their relatively fast growth and early maturation. Cortés (2008) calculated population growth rates (λ) of 1.069 $year^{-1}$ and a generation time of 11.1 years, which were considered intermediary when compared with seven other pelagic species. However, estimates of the species' growth rate (von Bertalanffy, k = 0.10 $year^{-1}$ in the North Pacific (Seki *et al.,* 1998) and between 0.08–0.09 $year^{-1}$ in the Western Atlantic (Lessa *et al.,* 1999)) indicate that oceanic whitetips are slow growing species. Additionally, the species' intrinsic rate of increase (r = 0.121 $year^{-1}$; Cortés *et al.,* 2012) indicates that populations are vulnerable to depletion and will be slow to recover from over-exploitation based on FAO's low-productivity category (<0.14 $year^{-1}$). Finally, an ERA conducted to inform the ICCAT categorized the relative risk of overexploitation of the 11 major species of pelagic sharks, including the oceanic whitetip (Cortés *et al.,* 2010). The study derived an overall vulnerability ranking for each of the 11 species, which was defined as ''a measure of the extent to which the impact of a fishery [Atlantic longline] on a species will exceed its biological ability to renew itself.'' This robust assessment found that oceanic whitetips ranked the 5th most vulnerable out of 11 pelagic shark species (Cortés *et al.,* 2010). More recently, in an ERA that expands upon the 2010 results, oceanic whitetip ranked 6th out of 20 pelagic shark species in terms of its susceptibility to pelagic longline gear, which places the oceanic whitetip at a relatively high risk of overexploitation to the combined pelagic longline fisheries in the Atlantic Ocean. Likewise, in an ERA in the Indian Ocean, oceanic whitetip ranked the 5th most vulnerable species of pelagic shark caught in fisheries managed by the IOTC (Murua *et al.,* 2012). In summary, the petition, references cited, and information in our files comprises substantial information indicating that the species may be impacted by ''other natural or manmade factors,'' including the life history trait of slow productivity, such that further exploration is warranted to determine if it is contributing significantly to the species' risk of extinction.

Summary of Section 4(a)(1) Factors

We conclude that the petition does not present substantial scientific or commercial information indicating that the ESA section (4)(a)(1) threats of ''present or threatened destruction, modification, or curtailment of its habitat or range,'' or ''disease or predation'' may be causing or contributing to an increased risk of extinction for the global population of the oceanic whitetip shark. However, we conclude that the petition and information in our files do present substantial scientific or commercial information indicating that the section 4(a)(1) factor ''overutilization for commercial, recreational, scientific, or educational purposes'' as well as ''inadequacy of existing regulatory mechanisms'' and ''other manmade or natural factors'' may be causing or contributing to an increased risk of extinction for the species.

Petition Finding

Based on the above information and the criteria specified in 50 CFR 424.14(b)(2), we find that the petition and information readily available in our files present substantial scientific and commercial information indicating that the petitioned action of listing the oceanic whitetip shark worldwide as threatened or endangered may be warranted. Therefore, in accordance with section 4(b)(3)(A) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(3)), we will commence a status review of the species. During the status review, we will determine whether the species is in danger of extinction (endangered) or likely to become so within the foreseeable future (threatened) throughout all or a significant portion of its range. We now initiate this review, and thus, we consider the oceanic whitetip shark to be a candidate species (69 FR 19975; April 15, 2004). Within 12 months of the receipt of the petition (September 21, 2016), we will make a finding as to whether listing the species as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA. If listing the species is found to be warranted, we will publish a proposed rule and solicit public comments before developing and publishing a final rule.

Information Solicited

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information relevant to whether the oceanic whitetip shark is endangered or threatened. Specifically, we are soliciting information in the following areas: (1) Historical and current distribution and abundance of this species throughout its range; (2) historical and current population trends; (3) life history in marine environments, including identified nursery grounds; (4) historical and current data on oceanic whitetip shark bycatch and retention in industrial, commercial, artisanal, and recreational fisheries worldwide; (5) historical and current data on oceanic whitetip shark discards in global fisheries; (6) data on the trade of oceanic whitetip shark products, including fins, jaws, meat, and teeth; (7) any current or planned activities that may adversely impact the species; (8) ongoing or planned efforts to protect and restore the species and its habitats; (9) population structure information, such as genetics data; and (10) management, regulatory, and enforcement information. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request to the Office of Protected Resources (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 7, 2016.

Samuel D. Rauch, III,

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

[FR Doc. 2016–00384 Filed 1–11–16; 8:45 am]

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Notices

Federal Register

Vol. 81, No. 7

Tuesday, January 12, 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

Agricultural Marketing Service

[Document Number AMS–FV–14–0101, FV–15–331]

United States Standards for Grades of Pecans

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) proposes to revise the United States Standards for Grades of Shelled Pecans and the United States Standards for Grades of Pecans in the Shell. AMS is proposing to replace the term ''midget'' with ''extra small'' in the Shelled Pecan standards. AMS is also proposing to remove from both standards references to plastic models of pecan kernels, and information on where the color standards may be examined. These changes would modernize the terminology and information in the standards.

DATES: Comments must be submitted on or before March 14, 2016.

ADDRESSES: Interested persons are invited to submit written comments to the Standardization Branch, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, National Training and Development Center, Riverside Business Park, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; fax: (540) 361–1199, or on the Web at: *www.regulations.gov.* Comments should reference the dates and page number of this issue of the **Federal Register**, and will be made available for public inspection in the above office during regular business hours. Comments can also be viewed as submitted, including any personal information you provide, on the *www.regulations.gov* Web site.

FOR FURTHER INFORMATION CONTACT: Contact Lindsay H. Mitchell at the address above, or by phone (540) 361–1120; fax (540) 361–1199; or, email *lindsay.mitchell@ams.usda.gov.* Copies of the proposed U.S. Standards for Grades of Shelled Pecans and the U.S. Standards for Grades of Pecans in the Shell are available on the Internet at *http://www.regulations.gov.* Copies of the current U.S. Standards for Grades of Shelled Pecans and the U.S. Standards for Grades of Pecans in the Shell are available from the Specialty Crops Inspection Division Web site at *http://www.ams.usda.gov/grades-standards/nuts.*

SUPPLEMENTARY INFORMATION: Section 203(c) (7 U.S.C. 1622(c)) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.''

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by USDA, AMS, Specialty Crops Program at the following Web site: *http://www.ams.usda.gov/grades-standards.* AMS is proposing revisions to these U.S. Standards for Grades using the procedures in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

AMS is reviewing fruit and vegetable grade standards to assess their effectiveness for the industry and to modernize language. In addition, on May 13, 2013, AMS received a petition from the Little People of America that stated that the group is ''trying to raise awareness around and eliminate the use of the word midget.'' The petition further stated that, ''Though the use of the word midget by the USDA when classifying certain food products is benign, Little People of America, and the dwarfism community, hopes that the USDA would consider phasing out the term midget.'' Five grade standards contain the term ''midget'': U.S. Standards for Grades of Canned Lima Beans, U.S. Standards for Grades of Canned Mushrooms, U.S. Standards for Grades of Pickles, U.S. Standards for Grades of Processed Raisins, and U.S. Standards for Grades of Shelled Pecans. The standards for canned lima beans, canned mushrooms, pickles, and processed raisins will be covered in a separate notice and rule due to additional changes being made to those specific standards.

Prior to developing the proposed revisions to the pecan grade standards, AMS solicited comments and suggestions about the standards from the National Pecan Shellers Association (NPSA). The NPSA recommended replacing the term ''midget'' with ''extra small.''

AMS is proposing to address the use of ''midget'' in the Shelled Pecan standards by replacing the term with ''extra small'' everywhere that it appears. AMS also is proposing to remove the paragraph from both the Shelled and In Shell standards that reference plastic models that are no longer produced, (§ 51.1436(b) and § 51.1403(b), respectively), and make minor editorial changes.

The proposed revisions would modernize the language in the grade standards. This notice provides a 60-day period for interested parties to comment on the proposed revisions to the standards.

Authority: 7 U.S.C. 1621–1627.

Dated: January 7, 2016.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2016–00439 Filed 1–11–16; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–LPS–15–0029]

Withdrawal of United States Standards for Livestock and Meat Marketing Claims

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of withdrawal.

SUMMARY: This Notice informs the public that the Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture (USDA) is withdrawing the U.S. Standards for Livestock and Meat Marketing Claims. Specifically, AMS is withdrawing: (1) The Grass (Forage) Fed Claim for Ruminant Livestock and the Meat Products Derived from Such Livestock (Grass (Forage) Fed Marketing Claim Standard); and (2) the Naturally Raised Claim for Livestock and the Meat and Meat Products Derived From Such Livestock (Naturally Raised Marketing Claim Standard).

DATES: *Effective Date:* January 12, 2016.

FOR FURTHER INFORMATION CONTACT: David Bowden, Jr. Chief, Standardization Branch, Quality Assessment Division; Livestock, Poultry, and Seed Program; Agricultural Marketing Service, USDA, Room 2096–S, STOP 0249, 1400 Independence Avenue SW.; Washington, DC 20250–0249, *david.bowden@ams.usda.gov,* 202/720–5705.

SUPPLEMENTARY INFORMATION:

Background

Section 203(c) of the Agricultural Marketing Act of 1946, (7 U.S.C. 1621–1627), directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' USDA is committed to carrying out this authority in a manner that facilitates the marketing of agricultural products. One way AMS achieves this objective is through the development and maintenance of voluntary standards.

The U.S. Standards for Livestock and Meat Marketing Claims were initiated through a **Federal Register** Notice (67 FR 79553) published on December 30, 2002. The Notice was published as a result of increasing demand from the livestock and meat industries wishing to distinguish their products in the marketplace. The Notice proposed minimum requirements for livestock and meat industry production/marketing claims that, when adopted, would become the U.S. Standards for Livestock and Meat Marketing Claims. As a means of increasing the credibility of the production/marketing claims, AMS provides the industries with an option to have their production/marketing claims verified using voluntary USDA-Certified or USDA-Verified programs in accordance with procedures contained in Part 62 of Title 7 of the Code of Federal Regulations (7 CFR part 62). Consequently, the Grass (Forage) Fed Marketing Claim Standard was published on October 16, 2007 (72 FR 58631), and the Naturally Raised Marketing Claim Standard was published on January 21, 2009 (74 FR 3541).

Questions & Answers

Why is AMS withdrawing the U.S. Standards for Livestock and Meat Marketing Claims?

AMS continually reviews the services it provides. During the course of this review, AMS has determined that certain services do not fit within the Agency's statutory mandate to facilitate the marketing of U.S. agricultural products. One such issue that has risen is the use of the U.S. Standards for Livestock and Meat Marketing Claims, which AMS believes does not facilitate the marketing of agricultural products in a manner that is useful to stakeholders or consumers. When AMS verifies a production/marketing claim, a company often seeks to market the USDA-verified production/marketing claim on a food product label. However, the company must receive pre-approval from the USDA Food Safety and Inspection Service (FSIS) or meet the Food and Drug Administration (FDA) labeling requirements. These agencies regulate food labels for the vast majority of agricultural commodities produced in the U.S. and ensure the labels are truthful and not misleading. The authority over production/marketing claim verification and food labeling approval presents challenges to companies wishing to market USDA-verified production/marketing claims on food labels, because there is no guarantee that an USDA-verified production/marketing claim will be approved by FSIS or FDA.

Additionally, AMS seeks to adhere to the requirements outlined in the Office of Management and Budget (OMB) Circular A–119 and The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113 or NTTAA), *http://www.nist.gov/standardsgov/.* The OMB Circular A–119 establishes policies on Federal use and development of voluntary consensus standards and on conformity assessment activities. The NTTAA directs Federal agencies to use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments, except where inconsistent with applicable law or impractical. Going forward, in the absence of a Congressional mandate to develop and maintain a marketing claim standard, such as AMS does for organic products and Country of Origin Labeling, AMS will collaborate with standards development organizations (SDO) to establish marketing claims standards. The International Tenderness Marketing Claims, which are eligible to receive USDA Certification, are an example of the type of collaboration between AMS and ASTM International, formerly known as American Society for Testing and Materials, a SDO.

Therefore, AMS acknowledges that the U.S. Standards for Livestock and Meat Marketing Claims do not always help facilitate the marketing of agricultural products and will develop and maintain U.S. Standards for Livestock and Meat Marketing Claims when there is a statutory mandate to do so.

What does this mean for current users of the USDA Grass (Forage) Fed Marketing Claim Standard?

Current users of the USDA Grass (Forage) Fed Marketing Claim Standard have several options. USDA ISO Guide 65/ISO/IEC 17065 and USDA Process Verified Program applicants must identify a new Grass-fed Standard their company intends to meet by February 11, 2016 and must implement the new standard by April 11, 2016. This may be accomplished by (1) converting the USDA Grass (Forage) Fed Marketing Claim Standard into their private grass-fed standard, (2) using another recognized grass-fed standard, or (3) developing a new grass-fed standard. For the Small and Very Small Producer Program, applicants will see minimal change, as the requirements will be included in a procedural document.

AMS will list each company and the grass-fed standard it uses on the appropriate Official Listing.

What does this mean for current users of the USDA Naturally Raised Marketing Claim Standard?

There are no current users of the USDA Naturally Raised Marketing Claim Standard and therefore, there is no impact.

Dated: January 7, 2016.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2016–00440 Filed 1–11–16; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Risk Management Agency

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full affect if received within February 11, 2016. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Risk Management Agency

Title: General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions.

OMB Control Number: 0563–0055.

Summary of Collection: Section 533 of the Agricultural Research, Extension, and Education Reform Act of 1998 (1998 Research Act) requires the Federal Crop Insurance Corporation (FCIC) to publish regulation on how FCIC will provide a final agency determination in response to certain inquiries. Consistent with section 506(r) of the Act and 7 CFR part 400, subpart X in accordance with the Federal Crop Insurance Act, as amended, FCIC revised section 20 of the Common Crop Insurance Policy Basic Provisions, published at 7 CFR 457.8, to require the FCIC to provide interpretations of policy provisions and procedures (handbooks, manuals, memoranda, and bulletins) when any dispute in mediation, arbitration, or litigation requires interpretation of a policy provision or procedure.

Need and Use of the Information: FCIC will use the requester's name and address to provide a response. Federal crop insurance is a national program with all producers receiving the same policy for the same crop and insurance providers are required to use procedures issued by FCIC in the service and adjustment of such policies to ensure that all producers are treated alike and none receive special benefits or treatment because of the crop they produce, the insurance provider that insures them, or who hears their disputes. FCIC issued Manager's Bulletin MGR–05–018 on October 7, 2005, to provide the criteria for requesting an interpretation of procedure to inquire about the meaning or applicability of procedure. The requirements for this collection are necessary for FCIC to provide an interpretation of statutory and regulatory provisions upon request. If the requested information is not collected with each submission, FCIC would not be able to comply with the statutory mandates.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 32.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 256.

Charlene Parker,

Departmental Information Clearance Officer.

[FR Doc. 2016–00445 Filed 1–11–16; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), herein referred to as RUS or the Agency, announces its Distance Learning and Telemedicine (DLT) Grant Program application window for Fiscal Year (FY) 2016. This notice is being issued in order to allow potential applicants time to submit proposals and give the Agency time to process applications within the current fiscal year. RUS will publish on its Web site at *http://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* the amount of funding received in the final appropriations act.

In addition to announcing the application window, RUS announces the minimum and maximum amounts for DLT grants applicable for the fiscal year. The DLT Grant Program regulation can be found at 7 part CFR 1703 (Subparts D through E).

DATES: Submit completed paper or electronic applications for grants according to the following deadlines:

- *Paper submissions:* Paper submissions must be postmarked and mailed, shipped, or sent overnight *no later* than March 14, 2016 to be eligible for FY 2016 grant funding. Late or incomplete applications will not be eligible for FY 2016 grant funding.
- *Electronic submissions:* Electronic submissions must be received no later than March 14, 2016 to be eligible for FY 2016 grant funding. Late or incomplete applications will not be eligible for FY 2016 grant funding.
- If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

ADDRESSES: Copies of the FY 2016 Application Guide and materials for the DLT Grant Program may be obtained through:

(1) The DLT Web site at *http://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants*, or

(2) The RUS Office of Loan Origination and Approval at (202) 720–0800.

Completed applications may be submitted the following ways:

(1) *Paper:* Mail paper applications to the Rural Utilities Service, Telecommunications Program, 1400 Independence Ave. SW., Room 2808, STOP 1597, Washington, DC 20250–1597. Mark address with, ''Attention: Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service.''

(2) *Electronic:* Submit electronic applications through Grants.gov. Information on electronic submission is available on the Grants.gov Web site (*http://www.grants.gov*) at any time, regardless of registration status.

However, applicants must pre-register with Grants.gov to use the electronic applications option.

FOR FURTHER INFORMATION CONTACT: Shawn Arner, Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service, U.S. Department of Agriculture, telephone: (202) 720–0800, fax: 1 (844) 885–8179.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Distance Learning and Telemedicine Grants.

Announcement Type: Initial announcement.

Funding Opportunity Number: RUS–16–01–DLT.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.855.

Dates: Submit completed paper or electronic applications for grants according to the deadlines indicated in Section D(5).

A. Program Description

DLT grants are designed to provide access to education, training, and health care resources for rural Americans. The DLT Program is authorized by 7 U.S.C. 950aaa and provides financial assistance to encourage and improve telemedicine and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies that students, teachers, medical professionals, and rural residents can use. The regulation for the DLT Program can be found at 7 CFR part 1703 (Subparts D through E).

The grants, which are awarded through a competitive process, may be used to fund telecommunications-enabled information, audio and video equipment, and related advanced technologies which extend educational and medical applications into rural areas. Grants are intended to benefit end-users in rural areas, who are often not in the same location as the source of the educational or health care service.

As in years past, the FY 2016 DLT Grant Application Guide has been updated based on program experience. All applicants should carefully review and prepare their applications according to instructions in the FY 2016 Application Guide and sample materials. Expenses incurred in developing applications will be at the applicant's own risk.

B. Federal Award Information

Under 7 CFR 1703.124, the Administrator established a minimum grant amount of $50,000 and a maximum grant amount of $500,000 for FY 2016.

Award documents specify the term of each award, and the standard grant agreement is available at *http://www.rd.usda.gov/files/UTP_2015DLTDraftGrantAgreement.pdf.* The Agency will make awards and successful applicants will be required to execute documents appropriate to the project before funding will be advanced. Prior DLT grants cannot be renewed; however, existing DLT awardees can submit applications for new projects which will be evaluated as new applications. Grant applications must be submitted during the application window.

C. Eligibility Information

1. *Eligible Applicants* (See 7 CFR 1703.103)

a. Only entities legally organized as one of the following are eligible for DLT Grant Program financial assistance:

i. An incorporated organization or a partnership;

ii. An Indian tribe or tribal organization, as defined in 25 U.S.C. 450b;

iii. A state or local unit of government;

iv. A consortium, as defined in 7 CFR 1703.102; or

v. Other legal entity, including a private corporation organized on a for-profit or not-for-profit basis.

b. Electric and telecommunications borrowers under the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*) are not eligible for DLT grants.

c. Corporations that have been convicted of a Federal felony within the past 24 months are not eligible. Any corporation that has been assessed to have any unpaid federal tax liability, for which all judicial and administrative remedies have been exhausted or have lapsed and is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance.

d. Applicants must have an active registration with current information in the System for Award Management (SAM) (previously the Central Contractor Registry (CCR)) at *https://www.sam.gov* and have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number. Further information regarding SAM registration and DUNS number acquisition can be found in Sections D(3) and D(4) of this notice.

2. *Cost Sharing or Matching*

The DLT Program requires matching contributions for grants. See 7 CFR 1703.122, 1703.125(g), and the FY 2016 Application Guide for information on required matching contributions.

a. Grant applicants must demonstrate matching contributions, in cash or in kind (new, non-depreciated items), of at least fifteen (15) percent of the total amount of financial assistance requested. Matching contributions must be used for eligible purposes of DLT grant assistance (see 7 CFR 1703.121 and Section D(7)(b) of this Notice).

b. Greater amounts of eligible matching contributions may increase an applicant's score (see 7 CFR 1703.126(b)(4)).

c. Applications that do not provide sufficient documentation of the required fifteen percent match will be declared ineligible.

d. Discounts and Donations. In review of applications submitted in FY 2014 and FY 2015, it was determined that vendor donated matches did not have any value without a corresponding purchase of additional equipment proposed to be purchased with grant funds. For example, for many of the proposed grant applications, software licenses were donated in support of grant applications. Without a corresponding purchase of the same vendor's equipment, this donation would have no value towards the project. This is considered a vendor discount which has never been eligible under this program. As a result, such matches were determined to be ineligible, which in some cases disqualified applicants from further consideration. In kind matches from vendors are, therefore, no longer considered eligible. This is consistent with past practices prior to FY 2014.

e. Eligible Equipment and Facilities. See 7 CFR 1703.102 and the FY 2016 Application Guide for more information regarding eligible and ineligible items.

3. Other

a. Minimum Rurality Requirements. To meet the minimum rurality requirements, applicants must propose end-user sites that accrue a total average score of at least twenty (20) points. To receive points, an end-user site must not be located within the boundaries of any incorporated or unincorporated city, village, or borough having a population in excess of 20,000 inhabitants. For more information regarding rurality requirements and scoring, see 7 CFR 1703.126(b)(2) and the FY 2016 Application Guide.

i. Hub sites may be located in rural or non-rural areas, but end-user sites need

to be located in rural areas. If a hub is utilized as an end-user site, the hub will be considered and scored as such.

ii. If a grant application includes a site that is included in any other DLT grant application for FY 2016, or a site that has been included in any DLT grant funded in FY 2015 or FY2014, the application should contain a detailed explanation of the related applications or grants. The Agency may not approve grants that lack a clear explanation to justify a nonduplication finding.

b. Ineligibility of Projects in Coastal Barrier Resources Act Areas. Projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*) are not eligible for financial assistance from the DLT Program. See 7 CFR 1703.123(a)(11).

D. Application and Submission Information

The FY 2016 Application Guide provides specific, detailed instructions for each item in a complete application. The Agency emphasizes the importance of including every required item and strongly encourages applicants to follow the instructions carefully, using the examples and illustrations in the FY 2016 Application Guide. Applications submitted by the application deadline, but missing critical items, will be returned as ineligible. The Agency will not solicit or consider scoring eligibility information that is submitted after the application deadline. However, depending on the specific scoring criteria, applications that do not include all items necessary for scoring may still be eligible applications, but may not receive full or any credit if the information cannot be verified. See the FY 2016 Application Guide for a full discussion of each required item. For requirements of completed grant applications, refer to 7 CFR 1703.125.

1. *Address to Request Application Package.* The FY 2016 Application Guide, copies of necessary forms and samples, and the DLT Program Regulation are available from these sources:

a. Electronic Copies are available at *http://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants.*

b. Paper Copies are available from the Rural Utilities Service, Office of Loan Origination and Approval, (202) 720–0800.

2. Content and Form of Application Submission

a. Carefully review the DLT Application Guide and the 7 CFR part 1703, which detail all necessary forms and worksheets. A table summarizing the necessary components of a complete application can be found in this section.

b. Description of Project Sites. Most DLT grant projects contain several project sites. Site information must be consistent throughout the application. The Agency has provided a site worksheet that lists the required information. Applicants should complete the site worksheet with all requisite information. Applications without consistent site information will be returned as ineligible.

c. Submission of Application Items. Given the high volume of program interest, applicants should submit the required application items in the order indicated in the FY 2016 Application Guide. Applications that are not assembled and tabbed in the specified order prevent timely determination of eligibility. For applications with inconsistencies among submitted copies, the Agency will base its evaluation on the original signed application received.

d. Table of Required Application Items.

Application item	Regulation	Comments
SF–424 (Application for Federal Assistance Form)	*7 CFR 1703.125(a)*	*Form provided in FY 2016 Application Tool Kit.*
Executive Summary of the Project	*7 CFR 1703.125(b)*	*Narrative.*
Scoring Criteria Documentation	*7 CFR 1703.125(c)*	*Narrative.*
Scope of Work	*7 CFR 1703.125(d)*	*Narrative & Documentation.*
Financial Information and Sustainability	*7 CFR 1703.125(e)*	*Narrative.*
Statement of Experience	*7 CFR 1703.125(f)*	*Narrative*
Telecommunications System Plan	*7 CFR 1703.125(h)*	*Documentation.*
Leveraging Evidence and Funding Commitments from all Sources.	*7 CFR 1703.125(g)*	*Agency Worksheet and narrative.*
Equal Opportunity and Nondiscrimination	7 CFR part 15 subpart A	*Form provided in FY 2016 Application Tool Kit.*
Architectural Barriers	*7 CFR 1703.125(i)*	*Form provided in FY 2016 Application Tool Kit.*
Flood Hazard Area Precautions	*7 CFR 1703.125(i)*	*Form provided in FY 2016 Application Tool Kit.*
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.	7 CFR part 21	*Form provided in FY 2016 Application Tool Kit.*
Drug-Free Workplace	2 CFR part 182 and 2 CFR part 421.	*Form provided in FY 2016 Application Tool Kit.*
Debarment, Suspension, and Other Responsibility Matters.	2 CFR part 417	*Form provided in FY 2016 Application Tool Kit.*
Lobbying for Contracts, Grants, Loans, and Cooperative Agreements.	2 CFR part 418	*Form provided in FY 2016 Application Tool Kit.*
Non-Duplication of Services		*Form provided in FY 2016 Application Tool Kit.*
Federal Collection Policies for Commercial Debt		*Form provided in FY 2016 Application Tool Kit.*
Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.		*Form provided in FY 2016 Application Tool Kit.*
Environmental Impact/Historic Preservation	7 CFR part 1794, and any successor regulation.	*Form provided in FY 2016 Application Tool Kit.*
Evidence of Legal Existence and Authority to Contract with the Federal Government.	7 CFR 1703.125(k)	*Documentation.*
Consultation with USDA State Director and State Strategic Plan Conformity.	*7 CFR 1703.125(m)*	*Documentation.*
Special Considerations	7 CFR 1703.125(p)	*Applicants seeking Special Consideration: Documentation supporting end-user site is in a Trust Area, Tribal Jurisdiction, or "Strike Force" Area.*

e. Number of copies of submitted applications.

i. Applications submitted on paper. Submit the original application and one (1) paper copy to RUS, as well as one digital copy on a CD/DVD or Flash Drive. Additionally, submit one (1) additional copy to the state government single point of contact as described below.

ii. Applications submitted electronically. Submit the electronic application once. The additional paper copy is unnecessary to send. Applicants should identify and number each page in the same manner as the paper application. Additionally, submit one (1) additional copy to the state government single point of contact as described below.

iii. State Government Single Point of Contact. Submit one (1) copy to the state government single point of contact, if one has been designated, at the same time as application submission to the Agency. If the project is located in more than one State, submit a copy to each state government single point of contact. See *http://www.whitehouse.gov/omb/grants_spoc* for an updated listing of State government single points of contact.

3. *Dun and Bradstreet Universal Numbering System (DUNS) Number.* The applicant for a grant must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number as part of the application. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Go to *http://fedgov.dnb.com/webform* for more information on DUNS number acquisition or confirmation.

4. *System for Award Management (SAM).* Prior to submitting a paper or an electronic application, the applicant must register in the System for Award Management (SAM) at *https://www.sam.gov/portal/public/SAM/.* Throughout the RUS application review and the active Federal grant funding period, SAM registration must be active with current data at all times. To maintain active SAM registration, the applicant must review and update the information in the SAM database annually from the 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.

5. Submission Dates and Times

a. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than March 14, 2016 to be eligible for FY 2016 grant funding. Late applications, applications which do not include proof of mailing or shipping, and incomplete applications are not eligible for FY 2016 grant funding. In the event of an incomplete application, the Agency will notify the applicant in writing, return the application, and terminate all further action.

i. Address paper applications to the Telecommunications Program, RUS, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 2808, STOP 1597, Washington, DC 20250–1597. Applications should be marked, ''Attention: Deputy Assistant Administrator, Office of Loan Origination and Approval.''

ii. Paper applications must show proof of mailing or shipping by the deadline consisting of one of the following:

A. A legibly dated U.S. Postal Service (USPS) postmark;

B. A legible mail receipt with the date of mailing stamped by the USPS; or

C. A dated shipping label, invoice, or receipt from a commercial carrier.

iii. Due to screening procedures at the U.S. Department of Agriculture, packages arriving via regular mail through the USPS are irradiated, which can damage the contents and delay delivery to the DLT Program. RUS encourages applicants to consider the impact of this procedure in selecting their application delivery method.

b. Electronic grant applications must be received no later than March 14, 2016 to be eligible for FY 2016 funding. Late or incomplete applications will not be eligible for FY 2016 grant funding.

i. Applications will not be accepted via fax or electronic mail.

ii. Electronic applications for grants must be submitted through the Federal government's Grants.gov initiative at *http://www.grants.gov/.* Grants.gov contains full instructions on all required passwords, credentialing and software.

iii. Grants.gov requires some credentialing and online authentication procedures. These procedures may take several business days to complete. Therefore, the applicant should complete the registration, credentialing, and authorization procedures at Grants.gov before submitting an application.

iv. Applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number as well as have current registration with the System for Award Management (SAM). Further information on DUNS and SAM can be found in sections D(3) and D(4) of this notice as well as in the FY 2016 Application Guide.

v. If system errors or technical difficulties occur, use the customer support resources available at the Grants.gov Web site.

c. If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

6. Intergovernmental Review

The DLT Grant Program is subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' As stated in section D(2)(e)(iii) of this notice, a copy of a DLT grant application must be submitted to the state single point of contact, if one has been designated. See *http://www.whitehouse.gov/omb/grants_spoc* to review the states' single points of contact.

7. *Funding Restrictions*

a. Hub sites not located in rural areas are not eligible for grant assistance unless they are necessary to provide DLT services to end-users in rural areas. See 7 CFR 1703.101(h).

b. Table of Ineligible and Eligible Items. The following table includes a list of common items and whether each item is eligible for financial assistance. Applicants should exclude ineligible items and ineligible matching contributions from the budget unless those items are clearly documented as vital to the project. See the FY 2016 Application Guide for a recommended budget format and detailed budget compilation instructions.

	Grants
Lease or purchase of new eligible DLT equipment and facilities	Yes, equipment only.
Acquire new instructional programming that is capital asset	Yes.
Technical assistance, develop instructional material for the operation of the equipment, and engineering or environmental studies in the implementation of the project.	Yes, up to 10% of the grant.
Telemedicine or distance learning equipment or facilities necessary to the project.	Yes.

	Grants
Vehicles using distance learning or telemedicine technology to deliver services.	No.
Teacher-student links located at the same facility	No.
Links between medical professionals located at the same facility	No.
Site development or building alteration, except for equipment installation and associated inside wiring.	No.
Land or building purchase	No.
Building Construction	No.
Acquiring telecommunications transmission facilities	No (such facilities are only eligible for DLT loans).
Internet services, telecommunications services or other forms of connectivity.	No.
Salaries, wages, benefits for medical or educational personnel	No.
Salaries or administrative expenses of applicant or project	No.
Recurring project costs or operating expenses	No (equipment & facility leases are not recurring project costs).
Equipment to be owned by the LEC or other telecommunications service provider, if the provider is the applicant.	No.
Duplicative distance learning or telemedicine services	No.
Any project that for its success depends on additional DLT financial assistance or other financial assistance that is not assured.	No.
Application Preparation Costs	No.
Other project costs not in regulation	No.
Cost (amount) of facilities providing distance learning broadcasting	No.
Reimburse applicants or others for costs incurred prior to RUS receipt of completed application.	No.

E. Application Review Information

1. *Criteria*

Grants applications are scored competitively and are subject to the criteria listed below (total possible points: 235). See 7 CFR 1703.126 and the FY 2016 Application Guide for more information on the scoring criteria.

a. *Needs and Benefits Category.* An analysis addressing the challenges imposed by the following criteria and how the project proposes to address these issues, as well as, the local community involvement in planning and implementing the project (up to 55 points):

i. Economic characteristics.

ii. Educational challenges.

iii. Health care needs.

b. *Rurality Category.* Rurality of the proposed service area (up to 45 points).

c. *Economic Need Category.* Percentage of students eligible for the National School Lunch Plan (NSLP) in the proposed service area (up to 35 points).

d. *Leveraging Category.* Matching funds above the required matching level (up to 35 points).

e. *Innovativeness Category.* Level of innovation demonstrated by the project (up to 15 points).

f. *Cost Effectiveness Category.* System cost-effectiveness (up to 35 points).

g. *Special Consideration Areas Category.* Application must contain at least one end-user site within a trust area or a tribal jurisdiction area, within a ''Promise Zone,'' or within a ''Strike Force'' area (15 points).

2. *Review and Selection Process*

Grant applications are ranked by the final score. RUS selects applications based on those rankings, subject to the availability of funds. In addition, the Agency has the authority to limit the number of applications selected in any one state or for any one project during a fiscal year. See 7 CFR 1703.127 for a description of the grant application selection process. In addition, it should be noted that an application receiving fewer points can be selected over a higher scoring application in the event that there are insufficient funds available to cover the costs of the higher scoring application, as stated in 7 CFR 1703.172(b)(3).

a. In addition to the scoring criteria that rank applications against each other, the Agency evaluates grant applications on the following items, in accordance with 7 CFR 1703.127:

i. Financial feasibility. A proposal that does not indicate financial feasibility or that is not sustainable will not be approved for an award.

ii. Technical considerations. An application that contains flaws that would prevent the successful implementation, operation, or sustainability of the project will not be approved for an award.

iii. Other aspects of proposals that contain inadequacies that would undermine the ability of the project to comply with the policies of the DLT Program.

b. *Special considerations or preferences.*

i. American Samoa, Guam, Virgin Islands, and Northern Mariana Islands applications are exempt from the matching requirement for awards having a match amount of up to $200,000 (see 48 U.S.C. 1469a; 91 Stat. 1164).

ii. Tribal Jurisdiction or Trust Areas. RUS will offer special consideration to applications that contain at least one end-user site within a trust area or a tribal jurisdictional area. Such applications will be awarded 15 points. The application must include a map that shows the end-user site(s) located in the trust or tribal jurisdictional areas and cites the geographical coordinates and physical address(es) of the end-user site(s). The applicant will also need to submit evidence indicating that the area where the end-user site is located is a trust area or a tribal jurisdictional area. See the DLT Grant Program regulation as well as the FY 2016 Application Guide for a list of accepted documentation.

iii. ''Promise Zone'' Areas. RUS will offer special consideration to applications that contain at least one end-user site within a ''Promise Zone'' area. Such applications will be awarded 15 points. The application must include a map that shows the end-user site(s) located in the ''Promise Zone'' area and cites the geographical coordinates and physical address(es) of the end-user site(s). Current ''Promise Zones'' include the South Carolina Low Country, Choctaw Nation, Pine Ridge Indian Reservation, and the Kentucky Highlands. For further information, see the ''Promise Zone'' Web site at *http://www.hud.gov/promisezones/.*

iv. ''Strike Force'' Areas. RUS will offer special consideration to

applications that contain at least one end-user site within a ''Strike Force'' area. Such applications will be awarded 15 points. The application must include a map that shows the end-user site(s) located in the ''Strike Force'' area and cites the geographical coordinates and physical address(es) of the end-user site(s). For further information, see the ''Strike Force'' Web site at *http://www.usda.gov/wps/portal/usda/usdamobile?navid=STRIKE_FORCE.*

c. *Clarification:* DLT grant applications which have non-fixed end-user sites, such as ambulance and home health care services, are scored according to the location of the hub or hubs used for the project. For Hybrid Projects which combine a non-fixed portion of a project to a fixed portion of a project, the Rurality Score and NSLP score will be based on the score of the end sites of the fixed portion plus the score of the hub that serves the non-fixed portion. See the FY 2016 Application Guide for specific guidance on preparing an application with non-fixed end-users.

F. Federal Award Administration Information

1. *Federal Award Notices*

RUS notifies applicants whose projects are selected for awards by mailing or emailing a copy of an award letter. The receipt of an award letter does not authorize the applicant to commence performance under the award. After sending the award letter, the Agency will send an agreement that contains all the terms and conditions for the grant. A copy of the standard agreement is posted on the RUS Web site at *http://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants.* An applicant must execute and return the grant agreement, accompanied by any additional items required by the agreement, within the number of days specified in the selection notice letter.

2. *Administrative and National Policy Requirements*

The items listed in Section E of this notice, the DLT Grant Program regulation, FY 2016 Application Guide and accompanying materials implement the appropriate administrative and national policy requirements, which include but are not limited to:

a. Executing a Distance Learning and Telemedicine Grant Agreement.

b. Using Form SF 270, ''Request for Advance or Reimbursement,'' to request reimbursements (along with the submission of receipts for expenditures, timesheets, and any other documentation to support the request for reimbursement).

c. Providing annual project performance activity reports until the expiration of the award.

d. Ensuring that records are maintained to document all activities and expenditures utilizing DLT grant funds and matching funds (receipts for expenditures are to be included in this documentation).

e. Providing a final project performance report.

f. Complying with policies, guidance, and requirements as described in the following applicable Code of Federal Regulations, and any successor regulations:

i. 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

ii. 2 CFR parts 417 and 180 (Government-wide Nonprocurement Debarment and Suspension).

g. Signing Form AD–3031 (''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants'') (for corporate applicants only).

h. Complying with 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 *http://www.LEP.gov.*

3. *Reporting*

a. Performance reporting. All recipients of DLT financial assistance must provide annual 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 in meeting the DLT Grant Program objectives. See 7 CFR 1703.107 for additional information on these reporting requirements.

b. Financial reporting. All recipients of DLT financial assistance must provide an annual audit, beginning with the first year in which a portion of the financial assistance is expended. Audits are governed by United States Department of Agriculture audit regulations. See 7 CFR 1703.108 and 2 CFR part 200 (Subpart F) for a description of the financial reporting requirements.

c. Recipient and Sub-recipient 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:

i. First Tier Sub-Awards of $25,000 or more (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *https://www.fsrs.gov* no later than the end of the month following the month the obligation was made. Please note that currently underway is a consolidation of eight federal procurement systems, including the Federal Sub-award Reporting System (FSRS), into one system, the System for Award Management (SAM). As a result the FSRS will soon be consolidated into and accessed through *https://www.sam.gov/portal/public/SAM/.*

ii. The Total Compensation of the Recipient's Executives (the five most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov/portal/public/SAM/* by the end of the month following the month in which the award was made.

iii. The Total Compensation of the Sub-recipient's Executives (the five most highly compensated executives) must be reported by the Sub-recipient (if the Sub-recipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the sub-award was made.

d. Record Keeping and Accounting. The contract will contain provisions related to record keeping and accounting requirements.

G. Federal Awarding Agency Contacts

1. *Web site: http://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants.* The DLT Web site maintains up-to-date resources and contact information for DLT programs.

2. *Telephone:* (202) 720–0800.

3. *Fax:* 1 (844) 885–8179.

4. *Email: dltinfo@wdc.usda.gov.*

5. *Main point of contact:* Shawn Arner, Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service, U.S. Department of Agriculture.

H. Other Information

1. USDA Non-Discrimination Statement

USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age,

disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by USDA. (Not all prohibited bases will apply to all programs and/or employment activities.)

2. How To File a Complaint

Individuals who wish to file an employment complaint must contact their agency's Equal Employment Opportunity (EEO) Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at *http://www.ascr.usda.gov/complaint_filing_file.html.*

Individuals who wish to file a Civil Rights program complaint of discrimination must complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html*, or at any USDA office, or call (866) 632–9992 to request the form. A letter may also be written containing all of the information requested in the form. Send the completed complaint form or letter by mail to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

3. Persons With Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and wish to file either an EEO or program complaint may contact USDA through the Federal Relay Service at (800) 877–8339 (English) or (800) 845–6136 (Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact USDA by mail or email. Individuals who require alternative means of communication for program information (*e.g.*, Braille, large print, audiotape, etc.) may contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: December 8, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2016–00405 Filed 1–11–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Automated Export System.

OMB Control Number: 0607–0152.

Form Number(s): AES.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 304,223 shippers and freight forwarders filing 15,218,820 AES transactions annually.

Average Hours per Response: 3 minutes per AES transaction.

Burden Hours: 760,941.

Needs and Uses: The Census Bureau is requesting continued clearance with revisions for the Automated Export System (AES) program.

The Census Bureau requires mandatory filing of all export information via the AES. This requirement is mandated through Public Law 107–228 of the Foreign Trade Relations Act of 2003. This law authorizes the Secretary of Commerce with the concurrences of the Secretary of State and the Secretary of Homeland Security to require all persons who file export information according to title 13, United States Code (U.S.C.), chapter 9, to file such information through the AES.

The AES is the primary instrument used for collecting export trade data, which are used by the Census Bureau for statistical purposes. The AES record provides the means for collecting data on U.S. exports. Title 13, U.S.C., chapter 9, sections 301–307, mandates the collection of these data. The regulatory provisions for the collection of these data are contained in the Foreign Trade Regulations (FTR), title 15, Code of Federal Regulations (CFR), part 30. The official export statistics collected from these tools provide the basic component for the compilation of the U.S. position on merchandise trade. These data are an essential component of the monthly totals provided in the U.S. International Trade in Goods and Services Press Release, a principal economic indicator and a primary component of the Gross Domestic Product (GDP). Traditionally, other federal agencies have used the Electronic Export Information (EEI) for export control purposes to detect and prevent the export of certain items by unauthorized parties or to unauthorized destinations or end users.

Since 2013, the Census Bureau and the U.S. Customs and Border Protection (CBP) have implemented the following enhancements to the AES: (1) Added Bureau of Industry and Security (BIS) Export Control Classification Numbers (ECCNs) and increased edits and validations between License Codes and ECCNs; (2) developed six new license codes, three of which allow corrections to licensed shipments identified in voluntary self-disclosures and the remaining three are used to identify shipments involving .y 600 Series ECCN items, support for the Cuban people, and Australia International Traffic in Arms Regulations (ITAR) Exemptions; (3) developed a new filing option indicator for the Advanced Export Information pilot program to indicate a partial or complete commodity shipment filing; (4) adjusted the Foreign Trade Zone Indicator to accept seven characters instead of five; and (5) migrated the AES to the Automated Commercial Environment (ACE) platform to modernize the technology and adhere to the requirements of developing a single window in accordance with Executive Order 13659, Streamlining the Export/Import Process for America's Businesses, through the International Trade Data System. The AES will be accessed via a portal in ACE. Once the Notice of Proposed Rulemaking titled Foreign Trade Regulations (FTR): Clarification on Filing Requirements, is published, the following enhancements may be implemented in the AES: (1) Develop an original Internal Transaction Number (ITN) field; and (2) develop a used electronics indicator.

The changes identified in this Final Rule will require the addition of two data elements in the AES. The added data elements include the original ITN and the used electronics indicator. The original ITN field is an optional data element and is utilized if the filer creates an additional AES record for a shipment that was previously filed. The next data element added is the used electronics indicator, which is a conditional data element. The indicator will be used to improve information on the quantity and destination of used electronics. These revisions should not affect the average three-minute response time for the completion of the AES record. Constant advances in technology and heightened knowledge of filers offset the time required to complete the new fields in the AES record. In addition, repetitious information can be entered automatically via templates and profiles, and the number of data entry sections has been reduced to improve

the functionality of the AES. Completing these fields will not significantly affect respondent burden since the original ITN field is an optional data element and not required for all submissions. The used electronics indicator is a conditional field, which will only be required for 75 out of the approximately 9,000 Schedule B numbers and will affect less than one percent of commodities exported. See Attachment G for a list of the Schedule B numbers affected.

In addition to the two new proposed data elements that will be added to the AES, the Census Bureau added language to include the new timeframes for split shipments addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments. In practice, the export trade community currently adheres to the split shipment filing timeframes. The Census Bureau also revised language to reflect the two options for filing EEI. The two options are filing via AESDirect or filing to the AES mainframe. Finally, the Census Bureau added language to the FTR to ensure consistency with the Bureau of Industry and Security (BIS) Export Administration Regulations (EAR) based on the Export Control Reform. These clarifications do not impose new reporting requirements.

The information collected via the Automated Export System (AES) conveys what is being exported (description and commodity classification number), how much is exported (quantity, shipping weight, and value), how it is exported (mode of transport, exporting carrier, and whether containerized), from where (state of origin and port of export), to where (port of unloading and country of ultimate destination), and when a commodity is exported (date of exportation). The identification of the U.S. Principal Party in Interest (USPPI) shows who is exporting goods. The USPPI and/or the forwarding or other agent information provides a contact for verification of the information.

The information is used by the U.S. Federal Government and the private sector. The Federal Government uses every data element on the AES record. The Census Bureau published the Interim Final Rule ''Foreign Trade Regulations (FTR): Clarification on Uses of Electronic Export Information'' to describe how EEI will be accessed and utilized under the International Trade Data System (ITDS). The ITDS was established to eliminate the redundant information collection requirements, efficiently regulate the flow of commerce and to effectively enforce laws and regulations relating to international trade. It establishes a single portal system for the collection and distribution of standard electronic import and export data required by all participating federal agencies. In addition, the rule allows federal agencies with appropriate authority to access export data in the AES and ensure consistency with the Executive Order 13659, Streamlining the Export/Import Process for America's Businesses issued on February 19, 2014.

The data collected from the AES serves as the official record of export transactions. The mandatory use of the AES enables the Federal Government to produce more accurate export statistics. The Census Bureau delegated the authority to enforce the FTR to the BIS's Office of Export Enforcement along with the Department of Homeland Security's CBP and Immigrations and Customs Enforcement (ICE). The mandatory use of the AES also facilitates the enforcement of the Export Administration Regulations for the detection and prevention of exports of high technology commodities to unauthorized destinations by the BIS and the CBP; the International Traffic in Arms Regulations (ITAR) by the U.S. Department of State (State Department) for the exports of munitions; and the validation of the Kimberly Process Certificate for the exports of rough diamonds.

Other Federal agencies use this data to develop the components of the merchandise trade figures that are used in the calculations for the balance of payments and GDP accounts to evaluate the effects of the value of U.S. exports. The data is also used to enforce U.S. export laws and regulations, to plan and examine export promotion programs and agricultural development and assistance programs, and to prepare for and assist in trade negotiations under the General Agreement on Tariffs and Trade. Collection of these data also eliminates the need for conducting additional surveys for the collection of information as the AES shows the relationship of the parties to the export transaction (as required by the Bureau of Economic Analysis). These AES data are also used by the Bureau of Labor Statistics as a source for developing the export price index and by the U.S. Department of Transportation for administering the negotiation of reciprocal arrangements for transportation facilities between the United States and other countries. Additionally, a collaborative effort amongst the Census Bureau, the National Governors' Association and other data users resulted in the development of export statistics requiring the state of origin to be reported on the AES. This information enables state governments to focus activities and resources on fostering the exports of goods that originate in their states.

Export statistics collected from the AES aid private sector companies, financial institutions, and transportation entities in conducting market analysis and market penetration studies for the development of new markets and market-share strategies. Port authorities, steamship lines, airlines, aircraft manufacturers, and air transport associations use these data for measuring the volume and effect of air or vessel shipments and the need for additional or new types of facilities.

Affected Public: Individuals or households, Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., chapter 9, sections 301–307.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2016–00421 Filed 1–11–16; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–64–2015]

Foreign-Trade Zone (FTZ) 230—Piedmont Triad Area, North Carolina Authorization of Production Activity, Deere-Hitachi Construction Machinery Corporation (Hydraulic Excavators), Kernersville, North Carolina

On September 8, 2015, the Piedmont Triad Partnership, grantee of FTZ 230, submitted a notification of proposed production activity to the FTZ Board on behalf of Deere-Hitachi Construction Machinery Corporation, within FTZ 230—Site 30, in Kernersville, North Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 57785, September 25, 2015). The FTZ Board

has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: January 6, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–00451 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–61–2015]

Foreign-Trade Zone (FTZ) 119—Minneapolis-St. Paul, Minnesota; Authorization of Production Activity; CNH Industrial America, LLC; (Agricultural Equipment and Related Subassemblies and Attachments); Benson, Minnesota

On September 8, 2015, CNH Industrial America, LLC (CNH), a potential operator of FTZ 119, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facilities located in Benson, Minnesota.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 56962–56963, 09/21/2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: January 6, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–00471 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: On July 7, 2015, the Department of Commerce (the Department) published the preliminary results of the 27th administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC).[1] The period of review (POR) is June 1, 2013, through May 31, 2014. Based on our analysis of the comments received, we made certain changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of the Review.''

DATES: *Effective Date:* January 12, 2016.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse, 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) 482–6345.

Background

These final results of administrative review cover four exporters of the subject merchandise, Changshan Peer Bearing Co., Ltd. and Peer Bearing Company (collectively, CPZ/SKF), Ningbo Xinglun Bearings Import & Export Co., Ltd. (Xinglun), Xinchang Kaiyuan Automotive Bearing Co., Ltd. (Kaiyuan), and Yantai CMC Bearing Co. Ltd. (Yantai CMC). The Department selected as CPZ/SKF and Yantai CMC as mandatory respondents for individual examination; however, we subsequently found that Yantai CMC does not qualify for a separate rate.[2] Additionally, in the *Preliminary Results,* we determined, in accordance with 19 CFR 351.401(f) to treat affiliated producers, CPZ/SKF and Shanghai General Bearing Co., Ltd. (SGBC) as a single entity (collectively, CPZ/SGBC).

On July 7, 2015, the Department published the *Preliminary Results.* In August 2015, we received case and rebuttal briefs from the Timken Company (the petitioner) and CPZ/SKF. We also received a case brief from Yantai CMC. In September 2015, the Department held a public hearing at the request of the petitioner.

The Department conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the Order[3] includes tapered roller bearings and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. These products are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115, and 8708.99.8180. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the Order is dispositive.[4]

Separate Rates

In the *Preliminary Results,* we found that evidence provided by CPZ/SKF, Kaiyuan, and Xinglun supported finding an absence of both *de jure* and *de facto* government control, and, therefore, we preliminarily granted a separate rate to each of these companies.[5] We received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering these determinations. Therefore, for the final results, we continue to find that CPZ/SKF, Kaiyuan, and Xinglun are eligible for separate rates.

With respect to Yantai CMC, however, we determined in the *Preliminary Results* that this company failed to demonstrate an absence of *de facto* government control, and, thus, the Department did not grant Yantai CMC a separate rate. For these final results, we continue to find, based on record evidence, that Yantai CMC failed to demonstrate an absence of *de facto* government control. Accordingly, we

[1] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 38665 (July 7, 2015) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Preliminary Results,* 80 FR at 38666.

[3] *See Notice of Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China,* 52 FR 22667 (June 15, 1987) (Order).

[4] For a complete description of the scope of the Order, *see* the ''Issues and Decision Memorandum for the Antidumping Duty Administrative Review (2013–2014): Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, 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 Antidumping and Countervailing Duty Operations, dated concurrently with, and adopted by, this notice (Issues and Decision Memo).

[5] *See Preliminary Results,* 80 FR at 38665, and accompanying Preliminary Decision Memorandum at 4–7.

are not granting Yantai CMC a separate rate. For further discussion of this issue, *see* Comments 6 through 9 of the accompanying Issues and Decision Memo.

Weighted-Average Dumping Margin for the Non-Examined, Separate-Rate Companies

For the exporters subject to a review that are determined to be eligible for a separate rate, but are not selected as individually examined respondents, the Department generally weight averages the rates calculated for the individually-examined respondents, excluding any rates that are zero, *de minimis,* or based entirely on facts available.[6] In this administrative review, the only individually-examined company for which we calculated a margin is CPZ/SKF, which is receiving a separate rate calculated from its own sales and production data. To determine a rate for the unselected separate rate companies, we find it appropriate to use the margin calculated for CPZ/SKF, which was also found to be separate from the PRC-wide entity with respect to its export activities, and which has been assigned a rate that is not zero or *de minimis* nor based entirely on facts available. Therefore, we are assigning CPZ/SKF's calculated margin as the rate assigned to non-examined entities which demonstrated their eligibility for a separate rate.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memo. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as an Appendix. The Issues and Decision Memo 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 it 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 Issues and Decision Memo can be accessed directly at *http://trade.gov/enforcement.* The signed Issues and Decision Memo and the electronic version of the Issues and Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made changes in the margin calculation for CPZ/SKF. These changes are discussed in the relevant sections of the Issues and Decision Memo.

Period of Review

The POR is June 1, 2013, through May 31, 2014.

Final Results of the Review

Because Yantai CMC did not demonstrate that it is entitled to a separate rate, the Department finds Yantai CMC to be part of the PRC-wide entity. No party requested a review of the PRC-wide entity. Therefore, we did not conduct a review of the PRC-wide entity and the entity's rate is not subject to change.[8] The rate previously established for the PRC-wide entity is 92.84 percent.

Additionally, we are assigning the following weighted-average dumping margins to the firms listed below for the period June 1, 2013, through May 31, 2014:

Exporters	Weighted-average dumping margin (percent)
Changshan Peer Bearing Co., Ltd./Shanghai General Bearing Co., Ltd.	0.91
Ningbo Xinglun Bearings Import & Export Co., Ltd.*	0.91
Xinchang Kaiyuan Automotive Bearing Co., Ltd.*	0.91

* This company demonstrated eligibility for a separate rate in this administrative review.

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), the Department has determined, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise, where applicable, in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation.[9]

For entries of subject merchandise exported by CPZ/SKF we calculated an *ad valorem* rate by dividing the total amount of dumping calculated for the importer's examined sales by the total entered values associated with those sales, in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

For Yantai CMC, because the Department determined that this company did not qualify for a separate rate, we will instruct CBP to assess dumping duties on the company's entries of subject merchandise at the rate of 92.84 percent.

For Kaiyuan and Xinglun, the companies not selected for individual examination, the *ad valorem* assessment rate will be equal to the weighted-

[6] *See, e.g., Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Results of New Shipper Review and Partial Rescission of Administrative Review,* 73 FR 8273, 8279 (February 13, 2008), unchanged in *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review,* 73 FR 49162 (August 20, 2008).

[7] We note that this represents a change from the *Preliminary Results,* where we preliminarily assigned separate rate companies the separate rate from the immediately preceding administrative review. This is a function of the fact that CPZ/SKF's rate has changed from zero to above *de minimis* in these final results. As a result, using section 735(c)(5)(A) of the Act as guidance, we revised our methodology for these final results.

[8] *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).

[9] *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).

average dumping margin assigned above in the final results of review.

For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate (*i.e.,* 92.84 percent).[10]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that currently have separate a rate, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding where the exporter received that separate 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 the rate for the PRC-wide entity, 92.84 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own separate 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.

Notifications to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping 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.

Notifications to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 4, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memo

CPZ/SKF

1. Whether to Collapse CPZ/SKF and Shanghai General Bearing Co., Ltd.
2. Calculation of Steel Bar Transportation Cost
3. Surrogate Value (SV) for Truck Freight
4. SV for Labor Rate
5. Unreported Steel Producer Distances to Subcontractors

Yantai CMC

6. The Department Should Discontinue its Separate Rate Practice
7. The Denial of Separate Rate Status for Yantai CMC is not Supported by Record Evidence
8. Assigning Yantai CMC the PRC-Wide Rate is Contrary to Law
9. The Department's Separate Rate Tests and Resulting Use of AFA are Inconsistent with the World Trade Organization Agreements

[FR Doc. 2016–00432 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–033]

Large Residential Washers From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation

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

DATES: *Effective date:* January 5, 2016.

FOR FURTHER INFORMATION CONTACT: David Goldberger at (202) 482–4136 or Ross Belliveau at (202) 482–4952, Office II, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On December 16, 2015, the Department of Commerce (the Department) received an antidumping duty (AD) petition concerning imports of large residential washers (washing machines) from the People's Republic of China (PRC), filed in proper form on behalf of Whirlpool Corporation (Petitioner).[1] Petitioner is a domestic producer of washing machines.[2]

On December 16, 2015, the Department requested additional information and clarification of certain areas of the Petition.[3] Petitioner filed a response to this request on December 18, 2015.[4]

On January 4, 2016, Petitioner filed an amendment to the Petition, clarifying one of its responses in the Petition Supplement.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that imports of washing machines from the PRC are being, or are likely to be, sold in the United States at less-than-fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed this Petition on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner demonstrated sufficient industry support with respect

[1] *See* the Petition for the Imposition of Antidumping Duties on Imports of Large Residential Washers from the PRC, dated December 16, 2015 (the Petition).

[2] *See* Volume I of the Petition, at 4.

[3] *See* Letter from the Department to Petitioner entitled ''Re: Petition for the Imposition of Antidumping Duties on Imports of Large Residential Washers from the People's Republic of China: Supplemental Questions'' dated December 16, 2015 (Supplemental Questionnaire).

[4] *See* Supplement to the Petition, dated December 18, 2015 (Petition Supplement).

[5] *See* letter from Petitioner, entitled ''Large Residential Washers from the People's Republic of China: Amendment to Antidumping Petition,'' dated January 4, 2016.

to the initiation of the AD investigation that Petitioner is requesting.[6]

Period of Investigation

Because the Petition was filed on December 16, 2015, the period of investigation (POI) is, pursuant to 19 CFR 351.204(b)(1), April 1, 2015, through September 30, 2015.

Scope of the Investigation

The product covered by this investigation is washing machines from the PRC. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in Appendix I of this notice.

Comments on Scope of the Investigation

As discussed in the preamble to the Department's regulations,[7] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Monday, January 25, 2016, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, February 4, 2016, which is 10 calendar days after the initial comments deadline.

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

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[8] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of washing machines to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe washing machines, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments must be filed by 5:00 p.m. EDT on January 25, 2016, which is twenty calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EDT on February 4, 2016. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[9] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not

[6] *See* the ''Determination of Industry Support for the Petition'' section below.

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

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

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

render the decision of either agency contrary to law.[10]

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

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we determined that washing machines constitute a single domestic like product and we analyzed industry support in terms of that domestic like product.[11]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in Appendix I of this notice. To establish industry support, Petitioner provided its shipments of the domestic like product in 2014, and compared its shipments to the estimated total shipments of the domestic like product for the entire domestic industry.[12] Because total industry production data for the domestic like product for 2014 is not reasonably available and Petitioner established that shipments are a reasonable proxy for production data,[13] we relied upon the shipment data provided by Petitioner for purposes of measuring industry support.[14]

Our review of the data provided in the Petition, Petition Supplement, and other information readily available to the Department indicates that Petitioner has established industry support.[15] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total shipments [16] of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[17] Second, the domestic producers (or workers) met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total shipments of the domestic like product.[18] Finally, the domestic producers (or workers) met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the shipments of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[19] Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD investigation that it is requesting the Department initiate.[20]

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[21]

Petitioner contends that the industry's injured condition is illustrated by reduced market share, underselling and price depression or suppression, lost sales and revenue, and weakening financial position.[22] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[23]

Allegations of Sales at Less-Than-Fair Value

The following is a description of the allegations of sales at less-than-fair value upon which the Department based its decision to initiate an investigation of imports of washing machines from the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the initiation checklist.

Export Price

Petitioner based U.S. prices on advertised retail prices for representative washing machines produced in the PRC and sold at major retailers in the U.S. market during the POI.[24] These prices were adjusted to exclude the retailer markup, as well as discounts and rebates, based on Petitioner's experience in, and knowledge of, the market.[25] Petitioner deducted international freight and duty costs based on U.S. Customs and Border Protection (CBP) import data from the ITC's Dataweb.[26]

Normal Value

Petitioner stated that the Department currently treats the PRC as a non-market economy (NME) country and, in accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department.[27] The presumption of NME

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

[11] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Large Residential Washers from the People's Republic of China (PRC AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping Duty Petition Covering Large Residential Washers from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[12] *See* Volume I of the Petition, at 6–7 and Volume II of the Petition, at Exhibits 1–2; *see also* Petition Supplement, at 1–5 and Exhibits C–E.

[13] *See* Petition Supplement, at 3–4.

[14] For further discussion, *see* PRC AD Initiation Checklist, at Attachment II.

[15] *Id.*

[16] As mentioned above, Petitioner established that shipments are a reasonable proxy for production data. Section 351.203(e)(1) of the Department's regulations states ''production levels may be established by reference to alternative data that the Secretary determines to be indicative of production levels.''

[17] *See* section 732(c)(4)(D) of the Act; *see also* PRC AD Initiation Checklist, at Attachment II.

[18] *See* PRC AD Initiation Checklist, at Attachment II.

[19] *Id.*

[20] *Id.*

[21] *See* Volume I of the Petition, at 56 and Volume II of the Petition, at Exhibit 2.

[22] *See* Volume I of the Petition, at 1–4, 38–57, 61–114; Volume II of the Petition, at Exhibits 1–2; and Volume IV of the Petition, at Exhibits 30–40; *see also* Petition Supplement, at 2, 5–7, and Exhibits C and F–H.

[23] *See* PRC AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petition Covering Large Residential Washers from the People's Republic of China.

[24] *See* Volume I of the Petition, at 27–29 and Volume II of the Petition, at Exhibits 12–15.

[25] *See* Volume I of Petition at 29 and Volume II of the Petition, at Exhibits 16 and 17.

[26] *See* Volume I of the Petition, at 29 and Volume II of the Petition, at Exhibits 16 and 18.

[27] *See* Volume I of the Petition, at 29.

status for the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act. In the course of this investigation, all parties, and the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

Petitioner claims that Thailand is an appropriate surrogate country because it is a market economy that is at a level of economic development comparable to that of the PRC and it is a significant producer of the merchandise under consideration.[28]

Based on the information provided by Petitioner, it is appropriate to use Thailand as a surrogate country for initiation purposes. Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Petitioner based the FOPs for materials on the actual quantities of material components for the same models of washing machines used as the basis of U.S. price, derived through a ''product teardown'' process, *i.e.,* disassembly and analysis of four actual washing machines purchased in the United States.[29] For labor and electricity, Petitioner estimated usage rates in the PRC based on its own actual experience producing specific front load and top load models during the POI.[30] Petitioner valued the estimated factors of production using surrogate values from Thailand.[31]

Valuation of Raw Materials and Packing Materials

Petitioner valued the FOPs for raw materials using reasonably available, public import data for Thailand from the Global Trade Atlas (GTA) for the period of investigation.[32] Petitioner excluded all import values from countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies and from countries previously determined by the Department to be NME countries. In addition, in accordance with the Department's practice, the average import values exclude imports that were labeled as originating from an unidentified country. The Department determines that the surrogate values used by Petitioner are reasonably available and, thus, are acceptable for purposes of initiation.

Valuation of Labor

Petitioner valued labor using quarterly Thai labor data published by Thailand's National Statistics Office (NSO).[33] Specifically, Petitioner relied on data pertaining to wages and benefits earned by Thai workers engaged in the manufacturing sector of the Thai economy.[34] Petitioner converted the wage rates to an hourly rate and converted from Thai Baht to U.S. Dollars using the average exchange rate during the POI.[35]

Valuation of Energy

Petitioner used public information, as compiled by the Electricity Generating Authority of Thailand (EGAT), to value electricity.[36] This EGAT price information was converted by Petitioner to a U.S. Dollars/kilowatt hours price using the average exchange rate during the POI.[37]

Valuation of Factory Overhead, Selling, General and Administrative Expenses (SG&A), and Profit

Petitioner calculated surrogate financial ratios (*i.e.,* factory overhead, SG&A expenses, and profit) using the 2014 audited financial statement of Haier Electric (Thailand) Public Co., Ltd. (HET), a Thai producer of comparable merchandise (*i.e.,* washing machines).[38]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of washing machines from the PRC are being, or are likely to be, sold in the United States at less-than-fair value. Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margins for washing machines from the PRC range from 68.92 to 109.04 percent.[39]

Initiation of Less-Than-Fair-Value Investigation

Based upon the examination of the AD Petition on washing machines from the PRC, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether washing machines from the PRC are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[40] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[41] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this AD investigation.[42]

Respondent Selection

Petitioner named two companies as producers/exporters of washing machines subject to the scope of this investigation.[43] Accordingly, and in the absence of any contradictory information, the Department intends to examine all known producers/exporters of washing machines from the PRC.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate

[28] *See* Volume I of the Petition, at 29–30 and Volume II of the Petition, at Exhibits 19 and 20.

[29] *See* Volume I of the Petition, at 30–31, Volume II of the Petition, at Exhibit 21, and Volume IV of the Petition, at Exhibit 29.

[30] *See* Volume I of the Petition, at 31, Volume II of the Petition, at Exhibit 22, and Volume IV of the Petition, at Exhibit 29.

[31] *See* Volume I of the Petition, at 31–32.

[32] *See* Volume III of the Petition, at Exhibit 23.

[33] *See* Volume I of the Petition, at 3 and Volume IV of the Petition, at Exhibit 24.

[34] *Id.*

[35] *See* Volume IV of the Petition, at Exhibits 24 and 26.

[36] *See* Volume I of the Petition, at 31 and Volume IV of the Petition, at Exhibit 25.

[37] *See* Volume IV of the Petition, at Exhibits 25 and 26.

[38] *See* Volume I of the Petition, at 32 and Volume IV of the Petition, at Exhibits 27 and 28.

[39] *See* Volume I of the Petition, at 32 and PRC AD Initiation Checklist.

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

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

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

[43] *See* Volume I of the Petition, at 21–22.

application.[44] The specific requirements for submitting a separate-rate application are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[45] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that respondents from the PRC submit a response to the separate-rate application by the deadline in order to receive consideration for separate-rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[46]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the government of the PRC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of washing machines from the PRC are materially injuring or threatening material injury to a U.S. industry.[47] A negative ITC determination will result in the investigation being terminated;[48] otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[49] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[50] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

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

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[51] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[52] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure

[44] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[45] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[46] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[47] *See* section 733(a) of the Act.

[48] *Id.*

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

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

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

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

that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are all large residential washers and certain parts thereof from the People's Republic of China.

For purposes of this investigation, the term ''large residential washers'' denotes all automatic clothes washing machines, regardless of the orientation of the rotational axis, with a cabinet width (measured from its widest point) of at least 24.5 inches (62.23 cm) and no more than 32.0 inches (81.28 cm), except as noted below.

Also covered are certain parts used in large residential washers, namely: (1) All cabinets, or portions thereof, designed for use in large residential washers; (2) all assembled tubs [53] designed for use in large residential washers which incorporate, at a minimum: (a) A tub; and (b) a seal; (3) all assembled baskets [54] designed for use in large residential washers which incorporate, at a minimum: (a) A side wrapper; [55] (b) a base; and (c) a drive hub; [56] and (4) any combination of the foregoing parts or subassemblies.

Excluded from the scope are stacked washer-dryers and commercial washers. The term ''stacked washer-dryers'' denotes distinct washing and drying machines that are built on a unitary frame and share a common console that controls both the washer and the dryer. The term ''commercial washer'' denotes an automatic clothes washing machine designed for the ''pay per use'' segment meeting either of the following two definitions:

(1) (a) It contains payment system electronics; [57] (b) it is configured with an externally mounted steel frame at least six inches high that is designed to house a coin/token operated payment system (whether or not the actual coin/token operated payment system is installed at the time of importation); (c) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level, or spin speed for a selected wash cycle setting; and (d) the console containing the user interface is made of steel and is assembled with security fasteners; [58] or

(2) (a) it contains payment system electronics; (b) the payment system electronics are enabled (whether or not the payment acceptance device has been installed at the time of importation) such that, in normal operation,[59] the unit cannot begin a wash cycle without first receiving a signal from a bona fide payment acceptance device such as an electronic credit card reader; (c) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level, or spin speed for a selected wash cycle setting; and (d) the console containing the user interface is made of steel and is assembled with security fasteners.

Also excluded from the scope are automatic clothes washing machines that meet all of the following conditions: (1) Have a vertical rotational axis; (2) are top loading; [60] (3) have a drive train consisting, *inter alia,* of (a) a permanent split capacitor (PSC) motor,[61] (b) a belt drive,[62] and (c) a flat wrap spring clutch.[63]

Also excluded from the scope are automatic clothes washing machines that meet all of the following conditions: (1) Have a horizontal rotational axis; (2) are front loading; [64] and (3) have a drive train consisting, *inter alia,* of (a) a controlled induction motor (CIM),[65] and (b) a belt drive.

Also excluded from the scope are automatic clothes washing machines that meet all of the following conditions: (1) Have a horizontal rotational axis; (2) are front loading; and (3) have cabinet width (measured from its widest point) of more than 28.5 inches (72.39 cm).

The products subject to this investigation are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to this investigation may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this investigation is dispositive.

[FR Doc. 2016–00473 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–DS–P

[53] A ''tub'' is the part of the washer designed to hold water.

[54] A ''basket'' (sometimes referred to as a ''drum'') is the part of the washer designed to hold clothing or other fabrics.

[55] A ''side wrapper'' is the cylindrical part of the basket that actually holds the clothing or other fabrics.

[56] A ''drive hub'' is the hub at the center of the base that bears the load from the motor.

[57] ''Payment system electronics'' denotes a circuit board designed to receive signals from a payment acceptance device and to display payment amount, selected settings, and cycle status. Such electronics also capture cycles and payment history and provide for transmission to a reader.

[58] A ''security fastener'' is a screw with a non-standard head that requires a non-standard driver. Examples include those with a pin in the center of the head as a ''center pin reject'' feature to prevent standard Allen wrenches or Torx drivers from working.

[59] ''Normal operation'' refers to the operating mode(s) available to end users (*i.e.,* not a mode designed for testing or repair by a technician).

[60] ''Top loading'' means that access to the basket is from the top of the washer.

[61] A ''PSC motor'' is an asynchronous, alternating current (AC), single phase induction motor that employs split phase capacitor technology.

[62] A ''belt drive'' refers to a drive system that includes a belt and pulleys.

[63] A ''flat wrap spring clutch'' is a flat metal spring that, when engaged, links abutted cylindrical pieces on the input shaft with the end of the concentric output shaft that connects to the drive hub.

[64] ''Front loading'' means that access to the basket is from the front of the washer.

[65] A ''controlled induction motor'' is an asynchronous, alternating current (AC), polyphase induction motor.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC268

Marine Mammals; File No. 16239

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 16239 has been issued to Dan Engelhaupt, Ph.D., HDR EOC, 5700 Lake Wright Drive, Norfolk, VA 23502–1859.

ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On August 27, 2015, notice was published in the **Federal Register** (80 FR 52034) that a request for an amendment to Permit No. 16239 to conduct research on many marine mammal species had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 16239, issued on September 11, 2013 (78 FR 60852), authorizes the permit holder to harass cetacean and pinniped species during vessel and aerial survey activities, including behavioral observations and

photo-identification. Cetacean species may also be harassed during underwater photography and collection of sloughed skin and fecal samples. Surveys may be conducted year-round in all U.S. and international waters in the Pacific Ocean (including Alaska, Washington, Oregon, California, Hawaii, Guam, Marianas Islands, and other U.S. territories) and Atlantic Ocean (including the Gulf of Mexico, western North Atlantic, Caribbean Sea, and Sargasso Seas). The permit expires September 30, 2018.

The amendment authorizes: (1) Increasing takes for some species during aerial and vessel visual surveys to document presence/absence, behavior, and movement of marine mammals before, during, and after Naval training exercise operations, offshore energy installations, oil and gas exploration and production, and pier refurbishment/replacement; (2) collecting biopsy samples to document genetic variation within populations, gender, foraging patterns, and stress levels; and (3) using multiple tag types, including satellite and digital acoustic tags, to document movement and dive patterns, social and population structure, and habitat use. See tables in the permit amendment for numbers of takes by species, stock and activity.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 7, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–00392 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[FR Doc. 2016–00018, Filed 01/06/16; 8:45 a.m.]

Interagency Working Group on the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act Great Lakes Webinars; Correction

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; correction.

SUMMARY: The National Oceanic and Atmospheric Administration published a document in the **Federal Register** of January 7, 2016, entitled Interagency Working Group on the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act. The information concerning the webinar dates and WebEx information have been updated.

DATES: *Date, Time, and Webex Information:* The updated information for the webinars are as follows:

Meeting dates:

- *HAB and Hypoxia Experts, and Interested Parties*—February 9, 2016, 2:00 p.m.–3:00 p.m. EST
- *Interested Parties*—February 10, 2016, 1:00 p.m.–2:00 p.m. EST
- *Interested Parties (as needed)*—February 11, 2016, 1:00 p.m.–2:00 p.m. EST

The webinars will be available at the following addresses:

HAB and Hypoxia Experts, and Interested Parties (February 9, 2016)—Go to *https://fda.webex.com/fda/j.php?MTID=mbab594f49aa3fd9079e28d7fb0aac9ef.*

Password: Habsnhypoxia.

To view in other time zones or languages, please click the link: https://fda.webex.com/fda/j.php?MTID=ma18e7fb8caad3a87838d169114ea5e9b.

To join the teleconference only:

Provide your number when you join the meeting to receive a call back.

Alternatively, you can call one of the following numbers:

Local: 1–301–796–7777.

Toll free: 1–855–828–1770.

Follow the instructions that you hear on the phone.

Your Cisco Unified MeetingPlace meeting ID: 741 106 359.

Interested Parties (February 10, 2016)—Go to https://fda.webex.com/fda/j.php?MTID=m1cab022ca28021cff02e6a4830ed26fd.

Password: Habsnhypoxia.

To view in other time zones or languages, please click the link: https://fda.webex.com/fda/j.php?MTID=m492a55451b0adb8dc2ed1eb7d87137c5.

To join the teleconference only:

Provide your number when you join the meeting to receive a call back.

Alternatively, you can call one of the following numbers:

Local: 1–301–796–7777.

Toll free: 1–855–828–1770.

Follow the instructions that you hear on the phone.

Your Cisco Unified MeetingPlace meeting ID: 746 444 650.

Interested Parties (as needed; February 11, 2016)—Go to https://fda.webex.com/fda/j.php?MTID=mdee05bbec212d7f605f04b5aa5da5b84.

Password: Habsnhypoxia.

To view in other time zones or languages, please click the link: https://fda.webex.com/fda/j.php?MTID=m319dd1c92e72ada8d0783bcb8562c88d.

To join the teleconference only:

Provide your number when you join the meeting to receive a call back.

Alternatively, you can call one of the following numbers:

Local: 1–301–796–7777.

Toll free: 1–855–828–1770.

Follow the instructions that you hear on the phone.

Your Cisco Unified MeetingPlace meeting ID: 743 466 568.

Public Participation: The webinars will be town hall-style discussions open to the public. Persons wishing to attend the meeting online via the webinar must register in advance no later than 5 p.m. Eastern Time on the evening before each webinar, by sending an email to *Caitlin.Gould@noaa.gov.* The number of webinar connections available for the meetings is limited to 500 participants and will therefore be available on a first-come, first-served basis. It is recommended that interested participants call in approximately 10 minutes prior to the beginning of each webinar, to ensure that their computer systems accommodate WebEx. The agenda for the webinars will include time for town hall-style discussion or comments about the agencies' efforts in implementing HABHRCA, including concerns and needs related to HABs and hypoxia in the Great Lakes.

FOR FURTHER INFORMATION CONTACT: Caitlin Gould (*Caitlin.gould@noaa.gov*, 240–533–0290) or Stacey DeGrasse (*Stacey.Degrasse@fda.hhs.gov*, 240–402–1470).

Other Information: Paperwork Reduction Act: Notwithstanding any other provision of law, no person is required to respond to, nor shall any 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 displays a currently valid OMB Control Number.

SUPPLEMENTARY INFORMATION:

Correction

The National Oceanic and Atmospheric Administration published a document in the **Federal Register** of January 7, 2016, entitled Interagency Working Group on the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act. The information concerning the webinar dates and WebEx information have been updated.

Dated: January 6, 2016.

Mary C. Erickson,

Director, National Centers for Coastal Ocean Science, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2016–00390 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting and hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Guam Mariana Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) and Commonwealth of the Northern Mariana Islands (CNMI) Mariana Archipelago FEP AP Advisory Panel to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The Guam Mariana Archipelago FEP AP will meet on Thursday, January 28, 2015, between 6:30 p.m. and 9 p.m. and the CNMI Mariana Archipelago FEP AP will meet on Friday, January 29, 2015, between 6 p.m. and 9 p.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The Guam Mariana Archipelago FEP AP will meet at the Hilton Guam Resort and Spa, 202 Hilton Road, Tumon Bay, Guam, 96913. The CNMI Mariana Archipelago FEP AP will meet at the Fiesta Resort and Spa Saipan, Saipan Beach Road, Garapan, Saipan, CNMI, 96950.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the Guam Mariana Archipelago FEP AP Meeting

Thursday, January 28, 2016, 6:30 p.m.–9 p.m.

1. Hafa Adai—Welcome and Introductions
2. Outstanding Council Action Items
3. Council Issues
   - A. Council Program Review
   - B. Pelagics Quota Transfer Information
   - C. FEP Review
   - D. Grant Opportunities
4. Council Projects in the Marianas
   - A. Coral Reef Projects
     - i. Stock Assessments Projects
     - ii. Resource Mapping Projects
   - B. Data Collection Projects
     - i. Marine Recreational Information Program (MRIP)
     - ii. Territorial Science Initiative (TSI)
   - C. Community-based Projects
     - i. Malesso Village Plan
     - ii. Yigo Village Workshop
5. Mariana FEP Community Activities
   - A. Guam FEP Community Calendar
   - B. Guam AP Outreach Plan
6. Marianas FEP AP-Guam Issues
   - A. Report of the Subpanels
     - i. Island Fisheries Subpanel
     - ii. Pelagic Fisheries Subpanel
     - iii. Ecosystems and Habitat Subpanel
     - iv. Indigenous Fishing Rights Subpanel
   - B. Other Issues
7. Public Comment
8. Discussion and Recommendations
9. ''At the End of the Day''—Other Business

Schedule and Agenda for the CNMI Mariana Archipelago FEP AP Meeting

Friday, January 29, 2016, 6 p.m.–9 p.m.

1. Welcome and Introductions
2. Outstanding Council Action Items
3. Council Issues
   - A. Council Program Review
   - B. Pelagics Quota Transfer Information
   - C. FEP Review
   - D. Grant Opportunities
4. Council Projects in the Marianas
   - A. Coral Reef Projects
     - i. Stock Assessments Projects
     - ii. Resource Mapping Projects
   - B. Data Collection Projects
     - i. MRIP
     - ii. TSI
   - C. Community-based Projects
     - i. Northern Islands Village Workshop
     - ii. Fishery Development
5. Mariana FEP Community Activities
6. Marianas FEP AP–CNMI Issues
   - A. Report of the Subpanels
     - i. Island Fisheries Subpanel
     - ii. Pelagic Fisheries Subpanel
     - iii. Ecosystems and Habitat Subpanel
     - iv. Indigenous Fishing Rights Subpanel
   - B. Other Issues
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: January 7, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–00368 Filed 1–11–16; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No.: CFPB–2015–0058]

Request for Information Regarding Home Mortgage Disclosure Act Resubmission Guidelines

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice and request for information.

SUMMARY: The Consumer Financial Protection Bureau (Bureau) supervises and enforces compliance with the Home Mortgage Disclosure Act (HMDA) for certain financial institutions and maintains a resubmission schedule and guidelines (Resubmission Guidelines) describing when supervised institutions should correct and resubmit HMDA data. The Bureau is considering whether changes to its HMDA Resubmission Guidelines may be appropriate for HMDA data that will be submitted under recent amendments to Regulation C, which implements HMDA. The Bureau requests information from the public on what changes to the Bureau's

Resubmission Guidelines may be needed.

DATES: Written comments must be received on or before March 14, 2016 to be assured of consideration.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2015–0058, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. Please note the number associated with any question to which you are responding at the top of each response (you are not required to answer all questions to receive consideration of your comments). In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Standard Time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For submission process questions please contact Monica Jackson, Office of Executive Secretary, at 202–435–7275. For inquires related to the substance of this request, please contact Tim Lambert, Senior Counsel, Office of Fair Lending and Equal Opportunity, at 202–435–7523 or *Timothy.Lambert@cfpb.gov.*

Authority: 12 U.S.C. 5511(c).

SUPPLEMENTARY INFORMATION: HMDA and Regulation C require certain financial institutions to collect, report, and disclose data about originations and purchases of mortgage loans, as well as mortgage loan applications that do not result in originations.[1] The Bureau previously published HMDA Resubmission Guidelines [2] which set forth examination procedures for HMDA transaction testing of institutions that the Bureau supervises to verify the accuracy of reported HMDA data and determine when institutions should be required to correct and resubmit their HMDA data. On October 15, 2015, the Bureau issued on its Web site a final rule amending Regulation C.[3] In comments to the Bureau's proposed changes to Regulation C, some commenters requested that the Bureau consider changes to its HMDA Resubmission Guidelines to reflect the expanded data the Bureau proposed to collect under Regulation C.

Currently, the Bureau's Resubmission Guidelines provide, among other things, that institutions reporting fewer than 100,000 loans or applications on the HMDA loan/application register (LAR) should be required to correct and resubmit HMDA data when errors are found in (1) ten percent or more of the HMDA LAR sample entries; or (2) five percent or more of sample entries within an individual data field. The Bureau's Resubmission Guidelines instruct that institutions reporting 100,000 or more entries on the HMDA LAR should be required to correct and resubmit HMDA data when errors are found in (1) four percent or more of the HMDA LAR sample entries; or (2) between two and four percent of the sample entries within an individual data field. The Resubmission Guidelines note that resubmission may be required even if sample error rates are below the specified thresholds if the errors make analysis of the institution's lending unreliable.

The Bureau requests information on what modifications to the Bureau's Resubmission Guidelines may be appropriate for the data that will be reported under the amendments made to Regulation C in the Bureau's final rule. In particular, the Bureau asks commenters to respond to the following questions:

1. Should the Bureau continue to use error percentage thresholds to determine the need for data resubmission? If not, how else may the Bureau ensure data integrity and compliance with HMDA and Regulation C?

2. If the Bureau retains error percentage thresholds, should the thresholds be calculated differently than they are today? If so, how and why?

3. If the Bureau retains error percentage thresholds, should it continue to maintain separate error thresholds for the entire HMDA LAR sample and individual data fields within the LAR sample? If not, why?

4. If the Bureau retains error percentage thresholds, should it continue to provide different thresholds for institutions with different LAR sizes? If so, what thresholds should the Bureau apply to which LAR sizes? Specifically, should the Bureau retain the stricter resubmission thresholds it applies to institutions with 100,000 or more LAR entries? If not, should distinct error thresholds be based on criteria other than LAR size?

5. If the Bureau retains error percentage thresholds, should it apply different thresholds to different HMDA data fields? If so, on what basis could the Bureau distinguish one kind or type of HMDA data field from another? If, for example, the Bureau were to identify certain data fields as ''key fields'' that are held to a more stringent resubmission standard than other fields, how could the Bureau determine which fields are ''key'' and determine the appropriate threshold?

6. If the Bureau retains error percentage thresholds, should it treat systemic errors differently from non-systemic errors? If so, how should the Bureau distinguish between systemic and non-systemic errors?

7. Should the Bureau separately survey a financial institution's internal data for HMDA-reportable transactions that were omitted from the institution's HMDA LAR? If so, how should the Bureau conduct the survey and determine when omissions require correction and resubmission?

8. Should the Bureau, for some kinds or types of errors, require that an institution correct and resubmit its HMDA submission and, for other kinds or types of errors, require only that the

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[1] 12 U.S.C. 2801–2810; 12 CFR part 1003.

[2] CFPB Examination Procedures, HMDA Resubmission Schedule and Guidelines, *available at http://files.consumerfinance.gov/f/201310_cfpb_hmda_resubmission-guidelines_fair-lending.pdf;* CFPB Bulletin 2013–11, Home Mortgage Disclosure Act (HMDA) and Regulation C—Compliance Management; CFPB HMDA Resubmission Schedule and Guidelines; and HMDA Enforcement (Oct. 9, 2013), *available at http://files.consumerfinance.gov/f/201310_cfpb_hmda_compliance-bulletin_fair-lending.pdf. See also* CFPB Supervisory Highlights 19 (Fall 2014), *available at http://files.consumerfinance.gov/f/201410_cfpb_supervisory-highlights_fall-2014.pdf* (noting that Bureau staff will follow the HMDA Resubmission Guidelines published in 2013 for reviews of 2014 and subsequent HMDA data).

[3] The HMDA final rule was published in the **Federal Register** on October 28, 2015. 80 FR 66,128 (Oct. 28, 2015).

institution ensure such errors are not found in future HMDA submissions? If so, how should the Bureau decide when correction and resubmission of the HMDA LAR is necessary?

9. Should the Bureau's HMDA review procedures or guidelines address circumstances in which HMDA data are reported by several financial institutions that have an affiliate and/or subsidiary relationship with each other? If so, how?

10. Are any changes needed in how the Bureau selects HMDA samples to conduct HMDA data integrity reviews? If so, what changes are needed and why?

11. Are any other changes needed in the manner in which the Bureau conducts its HMDA data integrity reviews? If so, what changes are needed and why?

12. Are there any technological or other changes that could be made to the HMDA data collection system or to the process by which it applies edits to identify possible errors that could help HMDA reporters reduce the frequency of errors or otherwise promote data integrity?

To the extent possible, please provide a detailed explanation of any views expressed. For example, if a commenter suggests that an error threshold should be changed or apply to only certain HMDA data fields, the Bureau would be interested to understand how the commenter arrived at the suggestion. The Bureau encourages commenters to explain how any suggested changes to the Resubmission Guidelines could change HMDA compliance costs. Furthermore, the Bureau is interested in any comments regarding how changes to the Resubmission Guidelines may affect the reliability or usefulness of HMDA data.

The Bureau anticipates that it will not separately propose and solicit public comment on any specific changes to its Resubmission Guidelines before finalizing and publishing the changes.

Dated: December 17, 2015.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2016–00442 Filed 1–11–16; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency National Intelligence University Board of Visitors; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense, Defense Intelligence Agency, National Intelligence University.

ACTION: Notice of closed meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the National Intelligence University Board of Visitors has been scheduled. The meeting is closed to the public.

DATES: Tuesday, January 19, 2016 (7:30 a.m. to 5:00 p.m.) and Wednesday, January 20, 2016 (7:30 a.m. to 1:30 p.m.).

ADDRESSES: Defense Intelligence Agency 7400 Pentagon, ATTN: NIU, Washington, DC 20301–7400.

FOR FURTHER INFORMATION CONTACT: Dr. David R. Ellison, President, DIA National Intelligence University, Washington, DC 20340–5100, Phone: (202) 231–3344.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the National Intelligence University Board of Visitors was unable to provide public notification of its meeting of January 19–20, 2016, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose: The Board will discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the National Intelligence University.

Agenda: The following topics are listed on the National Intelligence University Board of Visitors meeting agenda: Welcome; Bethesda Campus (Update, Slide Presentation, Risk Assessment); Faculty Senate; Accreditation Update (JPME, Substantive Change; 2018 Decennial Review); Strategic Planning; Strategic Initiatives (Blended Learning, Research Agendas, Marketing); Strategic Guidance Update; College Concentrations; Cyber Data and Analytics; Executive Session; Office of Research; Alumni Association; and Board Business (Honorary Degrees, Meeting Schedule, Succession Planning).

The entire meeting is devoted to the discussion of classified information as defined in 5 U.S.C. 552b(c)(1) and therefore will be closed. Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the National Intelligence University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the National Intelligence University Board of Visitors. All written statements shall be submitted to the Designated Federal Officer for the National Intelligence University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

Dated: January 7, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–00380 Filed 1–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0124]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Integrated Postsecondary Education Data System (IPEDS) 2015–2016 Pension Liabilities Update

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 11, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0124. Comments submitted in response to this notice should be submitted electronically through the

Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Integrated Postsecondary Education Data System (IPEDS) 2015–2016 Pension Liabilities Update.

OMB Control Number: 1850–0582.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Postsecondary Institution.

Total Estimated Number of Annual Responses: 77,600.

Total Estimated Number of Annual Burden Hours: 1,050,870.

Abstract: The Integrated Postsecondary Education Data System (IPEDS) is a web-based data collection system designed to collect basic data from all postsecondary institutions in the United States and the other jurisdictions. IPEDS enables The National Center of Education Statistics (NCES) to report on key dimensions of postsecondary education such as enrollments, degrees and other awards earned, tuition and fees, average net price, student financial aid, graduation rates, revenues and expenditures, faculty salaries, and staff employed. The IPEDS web-based data collection system was implemented in 2000–01, and it collects basic data from approximately 7,500 postsecondary institutions in the United States and the other jurisdictions that are eligible to participate in title IV Federal financial aid programs. All title IV institutions are required to respond to IPEDS (section 490 of the Higher Education Amendments of 1992; Public Law 102–325). IPEDS allows other (non-title IV) institutions to participate on a voluntary basis. About 200 institutions elect to respond. IPEDS data are available to the public through the College Navigator and IPEDS Web sites.

ED requested emergency clearance processing (approved in November 2015; OMB# 1850–0582 v.17), due to the Government Accounting Standards Board's (GASB) revision of their reporting standards that also impacts reporting of some of the institutions in IPEDS, to revise the 2015–16 IPEDS Finance forms and continue the remaining parts of the 2015–16 IPEDS collection as previously approved (OMB# 1850–0582 v.13–15). As part of the emergency clearance, new screening question was added to the 2015–16 IPEDS Finance survey for institutions to indicate whether they have additional (or decreased) pension expense, additional pension liability (or assets), or additional deferral to report as a result of GASB Statement 68. For the institutions that answer ''yes'', four fields have been added to collect the amounts of the additional (or decreased) expense, additional liability (or assets), deferred inflows of resources, and deferred outflows of resources. This submission extends the public comment period under regular approval process (with a 60-day followed by a 30-day public comment periods) on the revisions approved under the emergency clearance process (OMB# 1850–0582 v.17).

Dated: January 7, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–00391 Filed 1–11–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Public Meeting To Discuss Next Steps Toward Implementing a Consent-Based Siting Process for Nuclear Waste Storage and Disposal Facilities

AGENCY: Fuel Cycle Technologies, Office of Nuclear Energy, Department of Energy.

ACTION: Notice of Public Meeting.

SUMMARY: The U.S Department of Energy (DOE) is implementing a consent-based siting process to establish an integrated waste management system to transport, store, and dispose of commercial spent nuclear fuel and high level defense radioactive waste. In a consent-based siting approach, DOE will work with communities, tribal governments and states across the country that express interest in hosting any of the facilities identified as part of an integrated waste management system. DOE is hosting a public meeting on January 20, 2016 to discuss next steps towards implementing a consent-based siting process for nuclear waste storage and disposal facilities.

Type of meeting: Open meeting.

Date: January 20, 2016.

Time: 1:00 p.m.–4:00 p.m. Eastern Time.

Location: Renaissance Washington, DC Downtown Hotel. 999 9th St NW., Washington, DC 20001.

Remote Access and Registration: Attendees are encouraged to pre-register to expedite the check in process. Seating is limited to the room capacity and seats will be available on a first come, first served basis. The meeting will include a conference call phone number and will be webcast live on the Internet. Registration and remote access instructions including technical support contact information will be provided on the DOE Web site prior to the meeting at *http://www.energy.gov/consentbasedsiting.*

FOR FURTHER INFORMATION CONTACT: *consentbasedsiting@hq.doe.gov* or check the DOE Web site at *http://www.energy.gov/consentbasedsiting.*

Issued in Washington, DC, on January 6, 2016.

Andrew Richards,

Chief of Staff, Office of Nuclear Energy, Department of Energy.

[FR Doc. 2016–00389 Filed 1–11–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Excess Uranium Management: Secretarial Determination of No Adverse Impact on the Domestic Uranium Mining, Conversion, and Enrichment Industries

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Notice.

SUMMARY: On December 18, 2015, the Secretary of Energy issued a determination (''Secretarial Determination'') covering the lease of high-assay low enriched uranium for medical isotope production projects through the Department's Uranium Lease and Take-Back Program (ULTB). The Secretarial Determination covers transfers of up to 500 kilograms uranium (kgU) per year of low enriched uranium (LEU) at up to 19.75 percent uranium-235 in the two years following approval of the determination to support molybdenum-99 production. For the reasons set forth in the Department's ''Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries,'' which is incorporated into the Determination, the Secretary determined that these transfers will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Karcz, ULTB Program Manager, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone 202–586–0488, or email *peter.karcz@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) holds inventories of uranium in various forms and quantities—including low-enriched uranium (LEU) and natural uranium—that have been declared as excess and are not dedicated to U.S. national security missions. Within DOE, the Office of Nuclear Energy (NE), the Office of Environmental Management (EM), and the National Nuclear Security Administration (NNSA) coordinate the management of these excess uranium inventories. NNSA down-blends excess highly-enriched uranium to high-assay low-enriched uranium—above the commercial level of 5 wt-% and up to about 19.75 wt-% of the isotope U–235—in support of its nonproliferation objectives and missions. Common applications of such high-assay materials are as fuels for domestic and foreign research reactors and as target materials for the production of medical isotopes.

This notice involves high-assay LEU transfers of this type to support molybdenum-99 producers in such applications. These transfers fulfill a directive in the American Medical Isotope Production Act of 2012 (Pub. L. 112–239, Division C, Title XXXI, Subtitle F, 42 U.S.C. 2065) for the Department to establish a program to make low enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses. These transfers also support U.S. nuclear nonproliferation initiatives, by providing a path for down-blended highly enriched uranium (HEU) and encouraging the use of LEU in civil applications in lieu of HEU.

These transfers are conducted in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.,* ''AEA''), as amended, and other applicable law. Specifically, Title I, Chapters 6 and 14 of the AEA authorize DOE to transfer special nuclear material; LEU is a type of special nuclear material. The USEC Privatization Act (Pub. L. 104–134, 42 U.S.C. 2297h *et seq.*) places certain limitations on DOE's authority to transfer uranium from its excess uranium inventory. Specifically, under section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)), DOE may make certain transfers of natural or low-enriched uranium if the Secretary determines that the transfers ''will not have an adverse material impact on the domestic uranium mining, conversion or enrichment industry, taking into account the sales of uranium under the Russian Highly Enriched Uranium Agreement and the Suspension Agreement.''

On December 18, 2015, the Secretary of Energy issued a determination (''Secretarial Determination'') covering the lease of high-assay low enriched uranium for medical isotope production. The Secretarial Determination covers leases of up to the equivalent of 500 kilograms of LEU at up to 19.75 percent uranium-235 per year for two years following approval of the determination to support molybdenum-99 producers. The Secretary based his conclusion on the Department's ''Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries,'' which is incorporated into the determination. The Secretary considered, *inter alia,* the requirements of the USEC Privatization Act of 1996 (42 U.S.C. 2297h *et seq.*), the nature of uranium markets, and the current status of the domestic uranium industries, as well as sales of uranium under the Russian HEU Agreement and the Suspension Agreement.

Issued in Washington, DC.

Anne M. Harrington,

Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

Set forth below is the full text of the Secretarial Determination.

SECRETARIAL DETERMINATION FOR THE SALE OR TRANSFER OF URANIUM

I determine that the lease of up to the equivalent of 500 kgU of 19.75%-assay low enriched uranium per calendar year to support the development and establishment of molybdenum-99 production capabilities will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry. I base my conclusions on the Department's ''Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries,'' which is incorporated herein. As explained in that document, I have considered, *inter alia,* the requirements of the USEC Privatization Act of 1996 (42 U.S.C. 2297h *et seq.*), the nature of uranium markets, and the current status of the domestic uranium industries. I have also taken into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement.

Date: December 18, 2015.
Ernest J. Moniz,
Secretary of Energy

Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries

I. Introduction

A. Legal Authority

DOE manages its excess uranium inventory in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.,* ''AEA''), as amended, and other applicable law. Specifically, Title I, Chapters 6 and 14 of the AEA authorize DOE to transfer special

nuclear material. Low enriched uranium (LEU) is a type of special nuclear material.

The USEC Privatization Act (Pub. L. 104–134, 42 U.S.C. 2297h *et seq.*) places certain limitations on DOE's authority to transfer uranium from its excess uranium inventory. Specifically, under section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)), DOE may make certain transfers of natural or low-enriched uranium if the Secretary determines that the transfers ''will not have an adverse material impact on the domestic uranium mining, conversion or enrichment industry, taking into account the sales of uranium under the Russian Highly Enriched Uranium Agreement and the Suspension Agreement.'' (42 U.S.C. 2297h–10(d)(2)(B)). The validity of any determination under this section is limited to no more than two calendar years subsequent to the determination (see Section 306(a) of Division D, Title III of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235)).

B. Transactions Considered in This Determination

The American Medical Isotopes Production Act of 2012 (Pub. L. 112–239, Division C, Title XXXI, Subtitle F, 42 U.S.C. 2065, ''AMIPA'') directs the Department to establish a program to lease LEU for irradiation to produce molybdenum-99 in the United States without the use of highly enriched uranium (HEU). This Uranium Lease and Take Back (ULTB) program will involve providing high-assay LEU (LEU enriched above 5 wt-%, but below 20 wt-% of U–235) to parties engaged in commercial production of molybdenum-99 in the United States for medical uses. As directed in AMIPA, the leased material will be used as either driver fuel for reactors employed in medical isotope production, as target material for irradiation and extraction of molybdenum-99, or both. The exact uses and designs vary by producer, but fission-based production usually involves fabrication of uranium targets for irradiation in a reactor, followed by chemical processing to extract the Mo-99 for packaging into a generator and delivery to a radiopharmacy.

The materials considered in this analysis will be provided during calendar years 2016 and 2017 and will consist of no more than 500 kgU enriched over 5 and up to 19.75 wt-% of the isotope U–235 in any calendar year.[1] Assuming a tails assay of 0.20 wt-% U–235, it would require approximately 19,100 kgU of natural uranium hexafluoride and approximately 22,600 separative work units (''SWU'') to produce that quantity of 19.75 wt-% LEU.

II. Analytical Approach

This analysis evaluates two forecasts: One reflecting the state of the domestic uranium industries if DOE goes forward with these transactions, and one reflecting the state of the domestic uranium industries if DOE does not go forward with them. DOE compares these two forecasts to determine the relevant impacts on the domestic uranium industries. In conducting this comparison, DOE has developed a set of factors that this analysis considers in assessing whether DOE's uranium transfers will have an ''adverse material impact'' on the domestic uranium mining, conversion, or enrichment industry:

1. Prices
2. Production at existing facilities
3. Employment levels in the industry
4. Changes in capital improvement plans and development of future facilities
5. Long-term viability and health of the industry
6. Russian HEU Agreement and Suspension Agreement

While no single factor is dispositive of the issue, DOE believes that these factors are representative of the types of impacts that the proposed leases may have on the domestic uranium industries. Not every factor will necessarily be relevant on a given occasion or to a particular industry; DOE intends this list of factors only as a guide to its analysis.

III. Assessment of Potential Impacts

There is currently no commercial supplier of high-assay LEU on the open market. Modern enrichment facilities are technologically able to produce such materials. However, due to the economics of enrichment, owners and operators of such enrichment facilities have chosen not to pursue enrichment of high-assay LEU. Doing so would entail investment both for tooling up for higher enrichment and for regulatory licensing (chiefly from the Nuclear Regulatory Commission). Commercial power market projections of demand in the nuclear medicine industry for LEU in future years range from tens to hundreds of kilograms. Compared to the demand of the commercial power market, which requires thousands of metric tons of enriched uranium and associated conversion services, the production of small amounts of high-assay material is not likely to be economically viable for private industry. Additionally, with the closing of the Paducah Gaseous Diffusion Plant in 2013, the only remaining operational uranium enrichment facility in the U.S. is that operated by Louisiana Energy Services, LLC, which is licensed by the Nuclear Regulatory Commission to possess uranium only up to 5 wt-% U–235,[2] meaning no domestic commercial uranium enrichment facility is currently licensed to possess the high-assay LEU contemplated for lease.

There is currently no foreign commercial producer or supplier of high-assay low enriched uranium for use in domestic research reactors or medical isotope production applications. The high-assay LEU that is produced internationally, for example to convert Russian-supplied reactors from highly enriched uranium (HEU) cores, is noncommercially produced by state-owned enterprises for official purposes via downblending excess HEU.

It is also not feasible for commercial molybdenum-99 producers to use commercial available assays of LEU (*i.e.* LEU enriched to 5 wt-% U–235 or less) instead of high-assay LEU. Given the specialized uses, designs, and regulatory requirements of the fuels and targets used for these isotope production purposes, it would be technologically and financially infeasible for reactor operators to replace DOE-sourced high-assay LEU by converting the reactors to use commercial-assay LEU; likewise fabricating targets using commercial-assay LEU would limit their effectiveness sufficiently to make them uneconomical. Therefore, low-assay LEU use would prevent the reactor or target from achieving the same performance or efficiency and thus from being used for their intended purposes.

Given the lack of domestic commercial production or supply of such materials and challenges to using or finding an alternative supply, an analysis of the impact of the proposed leases based on an assessment of the six factors listed in Section II is straightforward. Since the DOE material would not supplant material available on the commercial market, it would not displace primary production of uranium concentrates, conversion services, or

[1] If any leases include material at an assay other than 19.75 wt-%, the amount will be converted so that the total amount in any calendar year is equivalent to no more than 500 kgU at 19.75 wt-%.

[2] U.S. Nuclear Regulatory Commission, *Materials License.* License Number SNM–2010, Amendment 57, Docket Number 70–3103.

enrichment services. Thus, there will be no meaningful impact on the domestic uranium industries with respect to any of the factors.

Even if the DOE leases would displace production among the domestic uranium mining, conversion, or enrichment industry, the amount would be so small that the effects would be minimal. With respect to the three uranium industries, to produce the amount of LEU in the proposed leases from primary production would require about 50,000 pounds of uranium concentrates (U_3O_8), 19,100 kgU of conversion services, and approximately 22,600 SWU of enrichment services. By comparison, the entire global fleet of nuclear reactors is expected to need in 2015 approximately 160 million pounds U_3O_8, 56 million kgU of conversion services, and about 45 million SWU.[3] For further comparison, the U.S. uranium mining industry produced approximately 4.9 million pounds of U_3O_8 in 2014.[4] The domestic conversion industry consists of only one facility. In recent years, that facility has produced between 11 and 12 million kgU. As mentioned above, there is only one currently operating enrichment facility in the U.S. The total capacity of that facility is currently about 3.7 million SWU. The Suspension Agreement with the Russian Federation allows for the sale of Russian natural uranium and SWU into the United States with restrictions ranging between 11.9 and 13.4 million pounds U_3O_8 equivalent per year between 2014 and 2020 (73 FR 7705 at 7706, Feb. 11, 2008).[5]

Given how small these DOE leases would be compared to global reactor requirements, domestic production, and imports from the Russian Federation under the Suspension Agreement, DOE concludes that leases at this level would have almost no impact on the domestic uranium mining, conversion, or enrichment industry with respect to any of the six factors listed in Section II.

DOE recently issued a determination that certain transfers of natural uranium in exchange for cleanup services at the Portsmouth Gaseous Diffusion Plant and of LEU in exchange for downblending services will not have an adverse material impact on the domestic uranium industries. The analysis supporting that determination also considered various other past transfers, the uranium from which may still be affecting markets, and the impacts of the Russian HEU Agreement and Suspension Agreement (80 FR 26,366 at 26,385). DOE also issued a determination that the transfer of up to the equivalent of 25 kgU of 19.75% assay LEU per calendar year to support the development and demonstration of molybdenum-99 production capabilities will not have an adverse material impact on the domestic uranium industries (80 FR 65,727). In reaching the conclusion that leases of up to 500 kgU per year of high-assay LEU will have a minimal impact on the domestic uranium industries, DOE takes account of the various transfers assessed for its recent determinations.

IV. Conclusion

For the reasons discussed above, these leases will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the Russian HEU Agreement and Suspension Agreement.

[FR Doc. 2016–00388 Filed 1–11–16; 8:45 am]

BILLING CODE 6450–01–P

[3] These estimates of global requirements come from an analysis prepared by Energy Resources International, Inc. (ERI). This report is available at http://www.energy.gov/ne/downloads/excess-uranium-management. DOE tasked ERI to prepare this analysis to assess the potential effects on the domestic uranium mining, conversion, and enrichment industries of the introduction into the market of uranium transfers that are not the subject of this assessment. ERI develops its requirements forecasts for various customers. Because of ERI's general expertise in the uranium markets and contacts with market participants, DOE believes ERI's general market information is reliable.

[4] EIA, Domestic Uranium Production Report Q3 2015, 2 (October 2015). Based on data from the first three quarters of 2015, uranium concentrate production is down in the United States compared to the corresponding quarters of 2014. Even accounting for this decrease, the effect of an additional 50,000 pounds U_3O_8 would be minimal. In just the first three quarters of 2015, the domestic uranium mining industry produced over 2.7 million pounds U_3O_8. *Id*

[5] The Russian HEU Agreement allowed for the sale of LEU derived from Russian downblended HEU. This agreement ended in December 2013.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2484–000]

Gresham Municipal Utilities; Notice of Authorization for Continued Project Operation

On November 22, 2010, Gresham Municipal Utilities, licensee for the Gresham Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Gresham Hydroelectric Project is located on the Red River in Shawano County, Wisconsin.

The license for Project No. 2484 was issued for a period ending December 31, 2015. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2484 is issued to the licensee for a period effective January 1, 2016 through December 31, 2016 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before December 31, 2016, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Gresham Municipal Utilities is authorized to continue operation of the Gresham Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00404 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–683–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) Rate Filing: LGIA Sunray Energy, LLC SEGS II Project to be effective 1/1/2016.

Filed Date: 1/6/16.

Accession Number: 20160106–5000.

Comments Due: 5 p.m. ET 1/27/16.

Docket Numbers: ER16–684–000.

Applicants: AlphaGen Power LLC.

Description: Section 205(d) Rate Filing: Cancellation of MBR tariff to be effective 3/6/2016.

Filed Date: 1/6/16.

Accession Number: 20160106–5126.

Comments Due: 5 p.m. ET 1/27/16.

Docket Numbers: ER16–685–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Original Service Agreement No. 4327; Queue No. AA1–057 to be effective 12/9/2015.

Filed Date: 1/6/16.

Accession Number: 20160106–5171.

Comments Due: 5 p.m. ET 1/27/16.

Docket Numbers: ER16–686–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) Rate Filing: Revised Non-Trasmission Depreciation Rates in SCE's Formula Transmission Rate to be effective 1/1/2015.

Filed Date: 1/6/16.

Accession Number: 20160106–5226.

Comments Due: 5 p.m. ET 1/27/16.

Docket Numbers: ER16–687–000.

Applicants: PacifiCorp.

Description: Section 205(d) Rate Filing: Noble Americas Energy Solutions NITSA Rev 9 to be effective 1/1/2016.

Filed Date: 1/6/16.

Accession Number: 20160106–5233.

Comments Due: 5 p.m. ET 1/27/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00398 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14722–000]

Mill and Main Hydroelectric Project; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On October 16, 2015, AS Clock Tower Owner, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Mill and Main Hydroelectric Project (Mill and Main Project) to be located on the Assabet River, near Maynard, Middlesex County, Massachusetts. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) The existing 9.5-foot-high, 170-foot-long granite block Ben Smith dam; (2) the existing 18.75-acre Ben Smith dam impoundment with a storage capacity of 475 acre-feet and a normal water surface elevation of 177 feet above mean sea level (msl); (3) an existing 1,600-foot-long power canal leading to an existing gatehouse at the upstream end of the existing 18.3-acre Mill Pond impoundment with a storage capacity of 130 acre-feet and a normal water surface elevation of 176 feet msl; (4) the existing masonry Mill Pond dam; (5) an existing 7-foot-diameter, 49-foot-long penstock; (6) an existing masonry powerhouse containing one turbine-generator unit with an installed capacity of 290-kilowatts; (7) two 300-foot-long masonry tailraces; (8) an existing 480-volt transmission line and a 13.8 kV step-up transformer to interconnect the project with the Clock Tower Place; and (9) appurtenant facilities. The estimated annual generation of the Mill and Main Project would be about 1,241 megawatt-hours. The existing Ben Smith and Mill dams and appurtenant works are owned by AS Clock Tower Owner, LLC.

Applicant Contact: Mr. Kurt W. Saraceno, AS Clock Tower Owner, LLC, c/o Saracen Properties. 41 Seyon Street, Suite 200, Waltham, MA 02453; phone: (781) 250–8000 x2710.

FERC Contact: Patrick Crile; phone: (202) 502–8042 or email: *Patrick.Crile@ferc.gov*.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14722–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–14722) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00401 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–358–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 01/05/16 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540–89 to be effective 1/4/2016.

Filed Date: 1/5/16.

Accession Number: 20160105–5242.

Comments Due: 5 p.m. ET 1/19/16.

Docket Numbers: RP16–359–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Jan2016 Deletion of Expired Statements of Negotiated Rates to be effective 2/6/2016.

Filed Date: 1/6/16.

Accession Number: 20160106–5086.

Comments Due: 5 p.m. ET 1/19/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR § 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00402 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–95–288]

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchanges; Notice of Compliance Filing

Take notice that on January 4, 2016, Hafslund Energy Trading L.L.C. submitted its compliance filing to Order on Rehearing of Opinion No. 536.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 25, 2016.

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy & Ancillary Servs.,* 153 FERC ¶ 61,144 (2015) (''Order on Rehearing''), *denying reh'g and clarifying, San Diego Gas & Elec. Co.* v. *Sellers of Energy & Ancillary Servs.,* 149 FERC ¶ 61,116 (2014).

Dated: January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00403 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–95–288]

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchanges; Notice of Compliance Filing

Take notice that on January 4, 2016, Illinova Energy Partners, Inc. submitted its Compliance Filing to Order on Rehearing of Opinion No. 536.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy & Ancillary Servs.*, 153 FERC ¶ 61,144 (2015) (''Order on Rehearing''), *denying rehearing of San Diego Gas & Elec. Co.* v. *Sellers of Energy & Ancillary Servs.*, Opinion No. 536, 149 FERC ¶ 61,116 (2014) (''Opinion No. 536'').

Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 25, 2016.

Dated: January 5, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00397 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

NRG Chalk Point CT LLC	EG16–1–000
CID Solar, LLC	EG16–2–000
Cottonwood Solar, LLC	EG16–3–000
Greenidge Generation LLC	EG16–4–000
Seville Solar Two, LLC	EG16–5–000
Fair Wind Power Partners, LLC	EG16–6–000
Los Vientos Windpower IV, LLC	EG16–7–000
Los Vientos Windpower V, LLC	EG16–8–000
Yuma Cogeneration Associates	EG16–9–000
Sandstone Solar LLC	EG16–10–000
Carousel Wind Farm, LLC	EG16–12–000
Marshall Wind Energy LLC	EG16–13–000
Utah Red Hills Renewable Park, LLC	EG16–14–000

Take notice that during the month of December 2015, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR § 366.7(a).

Dated: January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00399 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN16–4–000]

Coaltrain Energy, L.P., Peter Jones, Shawn Sheehan, Robert Jones, Jeff Miller, Jack Wells, and Adam Hughes; Notice of Designation of Commission Staff as Non-Decisional

With respect to an order issued by the Commission on January 6, 2016 in the above-captioned docket,[1] with the exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket. Accordingly, pursuant to 18 CFR 385.2202 (2015), they will not serve as advisors to the Commission or take part in the Commission's review of any offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2015), they are prohibited from communicating with advisory staff concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

Lee Ann Watson
Sean Collins
Joel Douglas
Erin Mastrangelo
Tegan Flynn
Jeremy Medovoy
Renee Thorne
Grace Kwon

DATED: January 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00400 Filed 1–11–16; 8:45 am]

BILLING CODE 6717–01–P

[1] *Coaltrain Energy, L.P., et al.* 154 FERC ¶ 61,002 (2016).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9941–26–ORD]

Environmental Laboratory Advisory Board (ELAB) Meeting Dates and Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of teleconference and face-to-face meetings.

SUMMARY: The Environmental Protection Agency's (EPA), Environmental Laboratory Advisory Board (ELAB), as previously announced, holds teleconference meetings the third Wednesday of each month at 1:00 p.m. ET and two face-to-face meetings each calendar year. For 2016, teleconference only meetings will be February 17, March 16, April 20, May 18, June 15, July 20, September 21, October 19, November 16, and December 21 to discuss the ideas and views presented at the previous ELAB meetings, as well as new business. Items to be discussed by ELAB over these coming meetings include: (1) Issues in continuing the expansion of national environmental accreditation; (2) ELAB's support to the Agency's on issues relating to measurement and monitoring for all programs; and (3) follow-up on some of ELAB's past recommendations and issues. In addition to these teleconferences, ELAB will be hosting their two face-to-face meetings with teleconference line also available on January 25, 2016, at the Hyatt Regency Tulsa in Tulsa, Oklahoma at 1:30 p.m. (CT) and on August 8, 2016, at the Hyatt Regency Orange County in Orange County, CA at 1:00 p.m. (PT).

Written comments on laboratory accreditation issues and/or environmental monitoring or measurement issues are encouraged and should be sent to Ms. Lara P. Phelps, Designated Federal Officer, US EPA (E243–05), 109 T. W. Alexander Drive, Research Triangle Park, NC 27709 or emailed to *phelps.lara@epa.gov.* Members of the public are invited to listen to the teleconference calls, and time permitting, will be allowed to comment on issues discussed during this and previous ELAB meetings. Those persons interested in attending should call Lara P. Phelps at (919) 541–5544 to obtain teleconference information. For information on access or services for individuals with disabilities, please contact Lara P. Phelps at the number above. To request accommodation of a disability, please contact Lara P. Phelps, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: December 23, 2105.

Thomas Burke,

EPA Science Advisor.

[FR Doc. 2016–00416 Filed 1–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2015–0809, FRL–9941–30–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Part B Permit Application, Permit Modifications, and Special Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Part B Permit Application, Permit Modifications, and Special Permits (EPA ICR No. 1573.14, OMB Control No. 2050–0009), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2016. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 14, 2016.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–RCRA–2015–0809, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Office of Resource Conservation and Recovery (mail code 5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 3005 of Subtitle C of RCRA requires treatment, storage or disposal facilities (TSDFs) to obtain a permit. To obtain the permit, the TSDFs must submit an application describing the facility's operation. There are two parts to the RCRA permit application—Part A and Part B. Part A defines the processes to be used for treatment, storage, and disposal of hazardous wastes; the design capacity of such processes; and the specific hazardous wastes to be handled at the facility. Part B requires detailed site specific information such as geologic, hydrologic, and engineering data. In the event that permit modifications are proposed by the applicant or the EPA, modifications must conform to the requirements under Sections 3004 and 3005.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA Section 3005).

Estimated number of respondents: 67.

Frequency of response: On occasion.

Total estimated burden: 23,669 hours. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $3,996,222, which includes $1,204,418 in annualized labor and $2,791,804 in annualized capital or operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: December 15, 2015.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2016–00414 Filed 1–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0506; FRL–9940–47]

Certain New Chemicals; Receipt and Status Information for November 2015

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from November 2, 2015 to November 30, 2015.

DATES: Comments identified by the specific case number provided in this document, must be received on or before February 11, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0506, and the specific PMN number or TME number for the chemical related to your comment, 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:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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 technical information contact:* Jim Rahai, IMD, 7407M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply. Although others may be affected, this action applies directly to the submitters of the actions addressed in this document.

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?

This document provides receipt and status reports, which cover the period from November 2, 2015 to November 30, 2015, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.*

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 54 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; The date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM NOVEMBER 2, 2015 TO NOVEMBER 30, 2015

Case No.	Date received	Projected end date for EPA review	Manufacturer/ Importer	Use(s)	Chemical identity
P–16–0049 ...	11/23/2015	2/21/2016	CBI	(S) Foam stabilizer and rheology modifier in dishwashing and car washing detergents.	(G) High oleic algae oil ethoxylate.
P–16–0050 ...	11/23/2015	2/21/2016	CBI	(S) Foam stabilizer and rheology modifier in dishwashing and car washing detergents.	(G) High lauric algae oil ethoxylate S2014.
P–16–0051 ...	11/23/2015	2/21/2016	CBI	(S) Foam stabilizer and rheology modifier in dishwashing and car washing detergents.	(G) High lauric algae oil ethoxylate S5223.
P–16–0052 ...	11/2/2015	1/31/2016	CBI	(G) Printing ink	(G) Polyamid resin.
P–16–0053 ...	11/2/2015	1/31/2016	CBI	(G) Printing ink applications	(G) Acrylated polycarbonate polyol.

TABLE 1—PMNS RECEIVED FROM NOVEMBER 2, 2015 TO NOVEMBER 30, 2015—Continued

Case No.	Date received	Projected end date for EPA review	Manufacturer/ Importer	Use(s)	Chemical identity
P–16–0055 ...	11/3/2015	2/1/2016	Henkel Corporation.	(S) Accruable component in adhesive and Sealant formulations.	(S) 1,3-Butadiene, homopolymer, hydrogenated, 2-hydroxyethyl-terminated, bis[N-[3-(trimethoxysilyl)propyl]carbamates].
P–16–0056 ...	11/2/2015	1/31/2016	CBI	(G) Oil production	(G) Dialkylamino alkylamide salt.
P–16–0057 ...	11/2/2015	1/31/2016	CBI	(G) Oil production	(G) Dialkylamino alkylamide salt.
P–16–0058 ...	11/3/2015	2/1/2016	CBI	(S) Chemical intermediate	(G) Beta amino fatty ester.
P–16–0059 ...	11/3/2015	2/1/2016	CBI	(S) Chemical intermediate	(G) Dialkylamino alkylamide.
P–16–0060 ...	11/3/2015	2/1/2016	CBI	(S) Chemical intermediate	(G) Beta amino ester derivative.
P–16–0061 ...	11/3/2015	2/1/2016	CBI	(G) Friction reducer	(G) Acrylamide-substituted ammonium chloride polymer.
P–16–0062 ...	11/3/2015	2/1/2016	Colonial Chemical, Inc..	(S) Viscosity control in hard surface cleaners.	(S) Tetradecanoic acid, compd. with 1,1'-iminobis[2-propanol] (1:1) (9Cl).
P–16–0065 ...	11/3/2015	2/1/2016	CBI	(G) Component of electrocoat	(G) Propanoic acid, polyhydroxyalkyl-, compds. with aminoalkanol-quaternized bisphenol A-(aminoalkanol-blocked aromatic polyisocyanate-polyether polymer)-epichlorohydrin polymer carboxylate salts.
P–16–0066 ...	11/3/2015	2/1/2016	CBI	(G) Component of electrocoat	(G) Propanoic acid, polyhydroxyalkyl-, compds. with aminoalkanol-quaternized bisphenol A-(aminoalkanol-blocked aromatic polyisocyanate-polyether polymer)-epichlorohydrin polymer carboxylate salts.
P–16–0067 ...	11/3/2015	2/1/2016	CBI	(G) Component of electrocoat	(G) Propanoic acid, polyhydroxyalkyl-, compds. with aminoalkanol-quaternized bisphenol A-(aminoalkanol-blocked aromatic polyisocyanate-polyether polymer)-epichlorohydrin polymer inorganic salts.
P–16–0063 ...	11/3/2015	2/1/2016	CBI	(G) Component of electrocoat	(G) Propanoic acid, polyhydroxyalkyl-, compds. with aminoalkanol-quaternized bisphenol A-(aminoalkanol-blocked aromatic polyisocyanate-polyether polymer)-epichlorohydrin polymer.
P–16–0064 ...	11/3/2015	2/1/2016	CBI	(G) Component of electrocoat	(G) Propanoic acid, polyhydroxyalkyl-, compds. with aminoalkanol-quaternized bisphenol A-(aminoalkanol-blocked aromatic polyisocyanate-polyether polymer)-epichlorohydrin polymer carboxylate salts.
P–16–0068 ...	11/3/2015	2/1/2016	CBI	(S) Chemical intermediate	(G) Dialkylamino alkylamide.
P–16–0069 ...	11/3/2015	2/1/2016	CBI	(G) Fuel use	(G) Glycerides, C14–18, C16–18 unsaturated, from fermentation.
P–16–0070 ...	11/5/2015	2/3/2016	3M Company	(S) Emergency shutdown coolant in boiling water reactors.	(S) Boron sodium oxide (B5NaO8), labeled with boron-10.
P–16–0071 ...	11/5/2015	2/3/2016	CBI	(G) Fabric treatment	(G) Fluorinated polyurethane emulsion.
P–16–0072 ...	11/5/2015	2/3/2016	CBI	(G) Temperature resistant coating	(G) Phenyl methyl siloxane resin.
P–16–0073 ...	11/5/2015	2/3/2016	CBI	(G) Coating additive	(G) Styrene-acrylate polymer.
P–16–0074 ...	11/6/2015	2/4/2016	CBI	(G) Adhesive for open non-descriptive use.	(G) Isocyanate terminated polyurethane.

TABLE 1—PMNS RECEIVED FROM NOVEMBER 2, 2015 TO NOVEMBER 30, 2015—Continued

Case No.	Date received	Projected end date for EPA review	Manufacturer/ Importer	Use(s)	Chemical identity
P–16–0075 ...	11/6/2015	2/4/2016	Fritz Industries, Inc..	(S) Oil field additive	(S) Poly[oxy(methyl-1,2-ethanediyl)], alpha-[2-(bis(phosphonomethyl)amino] methylethyl]-omega-[2-[bis(phosphonomethyl)amino] methylethoxy]-, sodium salt (1:4).
P–16–0076 ...	11/6/2015	2/4/2016	Itaconix Corp.	(S) Chelant in detergents	(G) Itaconic acid copolymer.
P–16–0077 ...	11/6/2015	2/4/2016	CBI	(S) Use per FFDCA: Food/flavors, cosmetics, fragrance uses, scented papers detergents, candles, etc..	(S) 5-Octenoic acid, methyl ester, (5Z)-.
P–16–0078 ...	11/6/2015	2/4/2016	CBI	(G) Organic light-emitting diode material.	(G) Amine-alkyl-polyaromatic hydrocarbon polymer.
P–16–0079 ...	11/10/2015	2/8/2016	CBI	(G) Coating resin for organic electrophotographic photoconduct.	(G) Polyarylate.
P–16–0085 ...	11/10/2015	2/8/2016	CBI	(G) Emulsifier	(G) Poly alkylimidazoline.
P–16–0081 ...	11/10/2015	2/8/2016	CBI	(G) Emulsifier	(G) Poly alkylimidazoline.
P–16–0082 ...	11/10/2015	2/8/2016	CBI	(G) Emulsifier	(G) Poly alkylimidazoline.
P–16–0080 ...	11/10/2015	2/8/2016	CBI	(G) Emulsifier	(G) Poly alkylimidazoline.
P–16–0084 ...	11/10/2015	2/8/2016	CBI	(G) Emulsifier	(G) Poly alkylimidazoline.
P–16–0083 ...	11/10/2015	2/8/2016	CBI	(G) Emulsifier	(G) Poly alklyimidazoline.
P–16–0086 ...	11/11/2015	2/9/2016	CBI	(G) Coating component	(G) Mixed metal oxide-halide complex.
P–16–0087 ...	11/11/2015	2/9/2016	CBI	(G) Anti-static agent for thermoplastic resin.	(G) Dicarboxylic acid, polymer with aminoalkanoic acid and polyether polyol.
P–16–0088 ...	11/12/2015	2/10/2016	Shin Etsu Silicones of America.	(G) The composition including the new chemical substance hardens by heating.	(G) Fluorined organopolysiloxane.
P–16–0091 ...	11/12/2015	2/10/2016	Lawter	(S) Printing ink resin-litho/offset printing.	(S) Rosin, polymer with dicyclopentadiene, glycerol, maleic anhydride, pentaerythritol, soybean oil and 1-tetradecene.
P–16–0092 ...	11/13/2015	2/11/2016	CBI	(G) Industrial coatings, open non-dispersive use.	(G) Polymeric polyamine.
P–16–0093 ...	11/13/2015	2/11/2016	CBI	(G) Ingredients for consumer products dispersive use.	(S) 2-Cyclohexen-1-one, 2-methyl-5-propyl-.
P–16–0094 ...	11/13/2015	2/11/2016	Shin Etsu Silicones of America.	(S) Stain-proof coating agent for touch panel.	(G) Perfluoropolyether modified organosilane.
P–16–0095 ...	11/16/2015	2/14/2016	CBI	(G) Flame retardant additive	(G) Phenol-formaldehyde resin.
P–16–0097 ...	11/16/2015	2/14/2016	CBI	(G) Polymer for coatings	(G) Amine salted polyurethane.
P–16–0096 ...	11/16/2015	2/14/2016	CBI	(G) Polymer for coatings	(G) Amine salted polyurethane.
P–16–0098 ...	11/18/2015	2/16/2016	Univation Technologies, LLC.	(S) Catalyst for polyethylene polymerization.	(G) Compound of Silica gel, metal alkyls, and chromium.
P–16–0099 ...	11/20/2015	2/18/2016	CBI	(G) Aquerous coatings	(G) Polyethylene glycol polymer with aliphatic polycarbodiimide, Bis(alkoxysilylpropyl) amine blocked.
P–16–0100 ...	11/20/2015	2/18/2016	CBI	(G) Component of coatings	(G) Substituted heteropolycyclic derivs.
P–16–0101 ...	11/20/2015	2/18/2016	CBI	(G) Material for highly dispersive use in consumer products.	(G) disubstituted alkanal.
P–16–0102 ...	11/21/2015	2/19/2016	CBI	(G) Coating component	(G) Polyester acrylate.
P–16–0104 ...	11/24/2015	2/22/2016	CBI	(S) Intermediate for pesticide manufacturer.	(S) 2-Pyridinecarboxylic acid, 4,5-dichloro-6-(4-chloro-2-fluoro-3-methoxyphenyl.
P–16–0105 ...	11/24/2015	2/22/2016	CBI	(G) Fertilizer component	(G) Alkyl polyol salt.
P–16–0106 ...	11/30/2015	2/28/2016	CBI	(G) Bonding agent	(G) 1,3-Diazetidine-2,4-dione, 1,3-bis [(isocyanatophenyl)methyl] phenyl]-, polymer with 2-(chloromethyl)oxirane and 4,4'-(1-methylethylidene)bis[phenol], alkoxypropanol-blocked.

For the six TMEs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the TME, the date the TME was received by EPA, the projected end date for EPA's review of the TME, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the TME, and the chemical identity.

TABLE 2—TMEs RECEIVED FROM NOVEMBER 2, 2015 TO NOVEMBER 30, 2015

Case No.	Date received	Projected end date for EPA review	Manufacturer/ Importer	Use(s)	Chemical identity
T–16–0001 ...	11/2/2015	12/17/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
T–16–0002 ...	11/2/2015	12/17/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
T–16–0003 ...	11/3/2015	12/18/2015	CBI	(S) Chemical Intermediate	(G) Beta amino fatty ester.
T–16–0004 ...	11/3/2015	12/18/2015	CBI	(S) Chemical Intermediate	(G) Dialkylamino alkylamide.
T–16–0005 ...	11/3/2015	12/18/2015	CBI	(S) Chemical Intermediate	(G) Beta amino ester derivative.
T–16–0006 ...	11/3/2015	12/18/2015	CBI	(S) Chemical Intermediate	(G) Dialkylamino alkylamide.

For the 32 NOCs received by EPA during this period, Table 3 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 3—NOCs RECEIVED FROM NOVEMBER 2, 2015 TO NOVEMBER 30, 2015

Case No.	Received date	Commence-ment date	Chemical
P–97–0141 ...	11/17/2015	10/22/2015	(G) Acrylate polymer.
P–04–0313 ...	11/10/2015	10/14/2015	(G) Aminoraizie modified cresol novolac resin.
P–06–0142 ...	11/6/2015	11/4/2015	(S) Castor oil, polymer with ethylenediamine, 1,6-hexanediol, .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl), 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid, 1,1'-methylenebis[4-isocyanatocyclohexane] and soybean oil, compd. with triethylamine.
P–08–0167 ...	11/20/2015	11/9/2015	(S) Butanedioic acid, polymer with 1,4-butanediol.
P–12–0169 ...	11/18/2015	10/28/2015	(G) Fluoro-modified acrylic copolymer.
P–13–0931 ...	11/11/2015	10/28/2015	(S) 2-propenoic acid, 4-phenoxybutyl ester.
P–14–0105 ...	11/20/2015	11/10/2015	(G) Methylene diisocyanate polymer with diols and triols.
P–14–0142 ...	11/23/2015	9/23/2015	(G) Formaldehyde polymer with modified phenol and amine, alkoxylated.
P–14–0480 ...	11/2/2015	10/7/2015	(G) Carboxlic acid polymer with isocyanate,diols and acid,alc and amine blocked.
P–14–0581 ...	11/11/2015	10/23/2015	(G) Alkyl alkylphosphinate.
P–14–0623 ...	11/2/2015	5/11/2015	(G) Aliphatic polyester.
P–15–0139 ...	11/16/2015	10/26/2015	(S) D-glucitol, 1-deoxy-1-(methylamino)-, n-c8–10 acyl derivs.
P–15–0269 ...	11/3/2015	10/27/2015	(G) Substituted carbomonocycle, (alkylidene)bis-,polymer with haloalkyl heteromonocycle and alkylidene)bis(substituted carbomonocycle)]- bis[heteromonocycle], reaction products with carbon dioxide.
P–15–0272 ...	11/19/2015	11/11/2015	(G) Formaldehyde, reaction products with aniline and aromatic mono- and di-phenol mixture.
P–15–0292 ...	11/13/2015	10/22/2015	(G) Butanedioic acid, polymer with substituted-acrylamide, styrene, and acrylates.
P–15–0306 ...	11/2/2015	9/26/2015	(S) Phenol, 1, 1-dimethylpropyl derivs;
P–15–0319 ...	11/19/2015	11/18/2015	(G) Butanedioic acid, 2-methylene-, alkyl ester.
P–15–0324 ...	11/19/2015	11/18/2015	(G) Magnesium alkaryl sulfonate.
P–15–0505 ...	11/3/2015	10/4/2015	(S) Hexanedioic acid, polymer with 1,4-cyclohexanedimethanol, dimethyl carbonate, 2,2-dimethyl-1,3-propanediol, 2- ethyl-2-(hydroxymethyl)-1,3-propanediol, hexahydro-1,3-isobenzofurandione, 1,6-hexanediol, 3-hydroxy-2- (hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, compound with 2-(dimethylamino)ethanol.
P–15–0530 ...	11/19/2015	11/17/2015	(G) Alkoxylated fatty alcohol citrate.
P–15–0531 ...	11/4/2015	10/27/2015	(G) Siloxanes and silicones, di-Me ethers with polyalkylene glycol monoallyl ether.
P–15–0541 ...	11/3/2015	10/13/2015	(S) Hexanedioic acid, polymer with 1,6-diisocyanatohexane, 2,2-dimethyl-1,3-propanediol, 1,6-hexanediol and 5- isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane.
P–15–0571 ...	11/11/2015	10/15/2015	(G) Potassium salt of organic acid.
P–15–0572 ...	11/11/2015	10/15/2015	(G) Mixed salts of organic acid.
P–15–0603 ...	11/18/2015	10/22/2015	(S) Ethanesulfonyl fluoride, 1,1,2,2-tetrafluoro-2-[(1,2,2-trifluoroethenyl)oxy]-, polymer with 1,1,2,2-tetrafluoroethene, hydrolyzed, lithium salts.
P–15–0621 ...	11/25/2015	11/16/2015	(G) Aromatic polyester.
P–15–0655 ...	11/30/2015	11/23/2015	(G) 2-Ethylhexanoic acid, compound with alkylamino cyclohexane 2-Ethylhexanoic acid, compound with cyclohexylamine.
P–15–0670 ...	11/18/2015	11/12/2015	(S) 1,2-Ethanediamine, n1,n2-bis(2-aminoethyl)-, acetate (1:4).
P–15–0670 ...	11/18/2015	11/12/2015	(S) 1,2-Ethanediamine, n1-(2-aminoethyl)-, acetate (1:3).
P–15–0670 ...	11/18/2015	11/12/2015	(S) 1,6-Hexanediamine, acetate (1:2).
P–15–0670 ...	11/18/2015	11/12/2015	(S) Ethanol, 2-[(2-aminoethyl)amino]-, acetate (1:2).
P–15–0670 ...	11/18/2015	11/12/2015	(S) 1,2-Cyclohexanediamine, acetate (1:2).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 5, 2016.

Pamela Myrick,

Acting, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2016–00433 Filed 1–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2015–0808, FRL–9941–31–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Hazardous Waste Specific Unit Requirements, and Special Waste Processes and Types

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Hazardous Waste Specific Unit Requirements, and Special Waste Processes and Types (EPA ICR No. 1572.11, OMB Control No. 2050–0050), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2016. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 14, 2016.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–RCRA–2015–0808, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Norma Abdul-Malik, Office of Resource Conservation and Recovery (5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–308–8753; fax number: 703–308–8617; email address: *abdul-malik.norma@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR provides a discussion of all of the information collection requirements associated with specific unit standards applicable to owners and operators of facilities that treat, store, or dispose of hazardous wastes as defined by 40 CFR part 261. It includes a detailed description of the data items and respondent activities associated with each requirement and with each hazardous waste management unit at a facility. The specific units and processes included in this ICR are: Tank systems, Surface impoundments, Waste piles, Land treatment, Landfills, Incinerators, Thermal treatment, Chemical, physical, and biological treatment, Miscellaneous (subpart X), Drip pads, Process vents, Equipment leaks, Containment buildings, and Recovery/recycling.

With each information collection covered in this ICR, the EPA is aiding the goal of complying with its statutory mandate under RCRA to develop standards for hazardous waste treatment, storage, and disposal facilities, to protect human health and the environment. Without the information collection, the agency cannot assure that the facilities are designed and operated properly.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (40 CFR 261, 264, 265, and 266).

Estimated number of respondents: 5,450.

Frequency of response: On occasion.

Total estimated burden: 637,012 hours. Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $43,154,219, which includes $39,436,019 annualized labor costs and $3,718,200 annualized capital or O&M costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: December 15, 2015.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2016–00412 Filed 1–11–16; 8:45 am]

BILLING CODE 6560–50–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 January 27, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Charles W. Ruth, individually and as the sole general partner of ACBT L.P., both of Huntley, Illinois, to individually, and together as a group acting in concert, with ACBT L.P., Helen J. Ruth, Eric L. Ruth, all of Huntley, Illinois, William A. Ruth, Mary H. Ruth, both of Woodstock, Illinois, Emily Ruth Smith, Lake in the Hills, Illinois, and Scott H. Ruth,* Marengo, Illinois; to acquire voting shares of American Community Financial, Inc., and thereby indirectly acquire voting shares of American Community Bank, both in Woodstock, Illinois.

2. *Jean E. Vogel, Erika G. Brossard, and Anne N. Kooiman, all of Orange City, Iowa; DV Capital, L.L.C., with Drew F. Vogel and Jean E. Vogel as members, all of Orange City, Iowa; Ian D. Vogel and Maximillian O. Faidi, both of Omaha, Nebraska; Mia K. Nelson, Carol Stream, Illinois; Ali N. Goepfert, Lino Lakes, Minnesota; Meika M. Vogel and Trevor A. Vogel, both of Eden Prairie, Minnesota; Tyler F. Vogel, Northfield, Minnesota; and Christopher W. Vogel,* Minneapolis, Minnesota, to join the Vogel Family Control Group (currently consisting of Franklin Vogel and Drew F. Vogel, both of Orange City, Iowa; Wrede E. Vogel, Luverne, Minnesota; and Blair D. Vogel, Omaha, Nebraska); and to retain voting shares of Vogel Bancshares, Inc., Orange City, Iowa, and thereby indirectly retain voting shares of Iowa State Bank, Hull, Iowa.

Board of Governors of the Federal Reserve System, January 7, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–00381 Filed 1–11–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), pursuant to 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 14, 2016.

ADDRESSES: You may submit comments, identified by *FR 3033s* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

Report title: Survey of Finance Companies.

Agency form number: FR 3033s.

OMB control number: 7100–0277.

Frequency: Every five years.

Reporters: Finance companies and mortgage companies.

Estimated annual reporting hours: 1,800 hours.

Estimated average hours per response: 1.5 hours.

Number of respondents: 1,200.

General description of report: Section 2A of the Federal Reserve Act (''FRA'') requires that the Federal Reserve Board and the Federal Open Market Committee maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates. (12 U.S.C. 225a). Under section 12A of the FRA, the Federal Open Market Committee is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country. (12 U.S.C. 263). Section 14 of the FRA authorizes the Reserve Banks, under rules and regulations prescribed by the Board, to engage in open market operations. (12 U.S.C. 355–59).

Abstract: The Federal Reserve proposes to conduct, with revision, the second stage of a two-stage survey of finance companies that is conducted every five years (the ''quinquennial''). The second stage of the quinquennial is the FR 3033s. The first stage of the quinquennial, the Census of Finance Companies (FR 3033p) was in May 2015 sent to all companies that met the criteria developed to identify the potential universe of domestic finance companies. From the universe of finance companies determined by the FR 3033p, a stratified random sample of 3,000 finance companies has been drawn for the FR 3033s. The survey will be sent on March 21, 2016, and will collect detailed information, as of December 31, 2015, from both assets and liability sides of the respondents' balance sheets, along with income and expenses, the number of accounts and offices, and the small-business credit they extend, if any. The data collected from this voluntary survey will be used for two purposes: To benchmark the consumer and business finance series collected on the monthly Domestic Finance Company Report of Consolidated Assets and Liabilities (FR 2248; OMB No. 7100–0005) and to increase the Federal Reserve's understanding of an important part of the financial system.

Current Actions: Board staff proposes to revise the FR 3033s by adding a section to solicit information from the finance companies on income and expenses, number of accounts and offices, and small business credit they extend.

Board of Governors of the Federal Reserve System, January 7, 2016.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2016–00394 Filed 1–11–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 142 3161]

Henry Schein Practice Solutions, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before February 4, 2016.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/henryscheinconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Henry Schein Practice Solutions, Inc.—Consent Agreement; File No. 142 3161'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/henryscheinconsent* by following the instructions on the Web-based form. If you prefer to file your comment on paper, write ''Henry Schein Practice Solutions, Inc.—Consent Agreement; File No. 142 3161'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Jessica Lyon (202–326–2344) or Kristin Madigan (202–326–3560), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 5, 2016), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 4, 2016. Write ''Henry Schein Practice Solutions, Inc.—Consent Agreement; File No. 142 3161'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and

you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/henryscheinconsent* by following the instructions on the Web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Henry Schein Practice Solutions, Inc.—Consent Agreement; File No. 142 3161'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 4, 2016. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Henry Schein Practice Solutions, Inc. (''Henry Schein'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Henry Schein develops and sells dental practice management software, including the Dentrix G5 office management software for dental practices. The Commission's proposed complaint alleges that Henry Schein violated Section 5 of the Federal Trade Commission Act by making false representations to consumers from January 2012 through January 2014 about the security of its Dentrix G5 software. Specifically, the Commission's proposed complaint alleges that Henry Schein falsely represented that Dentrix G5 provides industry-standard encryption of patient data and helps dentists meet the security requirements of the Health Insurance Portability and Accountability Act (''HIPAA''). The Commission's proposed complaint alleges that, in truth and in fact, Dentrix G5 used technology that was less secure than industry-standard encryption, and was not capable of helping dentists protect patient data as required by HIPAA.

The proposed order contains provisions designed to prevent Henry Schein from engaging in the same or similar acts or practices in the future.

Part I of the proposed order prohibits Henry Schein from misrepresenting: (A) Whether or to what extent any product or service designed to collect or store personal information offers industry-standard encryption; (B) the ability of the product or service to help customers meet regulatory obligations related to privacy or security; or (C) the extent to which a product or service maintains the privacy, security, confidentiality, and integrity of personal information.

Part II of the proposed order requires Henry Schein to notify affected customers that Dentrix G5 uses a less complex encryption algorithm to protect patient data than Advanced Encryption Standard, which is recommended as an industry standard by the National Institute of Standards and Technology. Part II provides for individual notice letters to affected customers and the creation of a toll-free telephone number and email address dedicated to responding to inquiries about the order.

Parts III through V of the proposed order require Henry Schein to pay $250,000 into a fund to be administered by the Commission. If the Commission decides that direct redress to affected customers is impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other relief (including consumer information remedies) as it determines is reasonably related to Henry Schein's practices alleged in the proposed complaint. Any money not used is to be deposited to the U.S. Treasury.

Parts VI, VII, and IX of the proposed order are reporting and compliance provisions. Part VI requires that for five (5) years after the last date of dissemination of any representation covered by the proposed order, Henry Schein will maintain and upon request make available certain materials, including: (A) All advertisements and promotional materials containing the representation; (B) all materials that were relied upon in disseminating the representation; and (C) all tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation. Part VII is an order distribution provision that requires Henry Schein to provide the order to current and future principals, officers, directors, and managers, as well as current and future employees having managerial responsibilities with respect to the subject matter of the order. Part IX requires Henry Schein to submit a compliance report within sixty (60) days after service of the order, and additional compliance reports within ten (10) days of written notice from the Commission. Part VIII of the proposed order requires Henry Schein to notify the Commission at least thirty (30) days prior to any corporate changes that may affect compliance obligations. Part X is a provision ''sunsetting'' the order after 20 years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark

Secretary.

[FR Doc. 2016–00369 Filed 1–11–16; 8:45 am]

BILLING CODE 6750–01–P

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0059; Docket 2015–0055; Sequence 20]

Submission for OMB Review; North Carolina Sales Tax Certification

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to 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 a reinstatement of a previously approved information collection requirement concerning North Carolina sales tax certification. A notice was published in the **Federal Register** at 80 FR 58254 on September 28, 2015. No comments were received.

DATES: Submit comments on or before February 11, 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 9000–0059, North Carolina Sales Tax Certification''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0059, North Carolina Sales Tax Certification'' on your attached document.

• Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0059, North Carolina Sales Tax Certification.

Instructions: Please submit comments only and cite Information Collection 9000–0059, North Carolina Sales Tax Certification, 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: Kathlyn Hopkins, Procurement Analyst, Office of Acquisition Policy, GSA 202–969–7226 or email *kathlyn.hopkins@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The North Carolina Sales and Use Tax Act authorizes counties and incorporated cities and towns to obtain each year, from the Commissioner of Revenue of the State of North Carolina, a refund of sales and use taxes indirectly paid on building materials, supplies, fixtures, and equipment that become a part of or are annexed to any building or structure in North Carolina.

However, to substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures, or equipment by a contractor, the Government must secure from the contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of sales or use taxes paid. Similar certified statements by subcontractors must be obtained by the general contractor and furnished to the Government. The information is used as evidence to establish exemption from State and local taxes.

B. Annual Reporting Burden

Respondents: 314.
Responses per Respondent: 1.
Annual Responses: 314.
Hours per Response: 1.25.
Total Burden Hours: 392.

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 Regulations (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. 9000–0059, North Carolina Sales Tax Certification, in all correspondence.

Dated: January 7, 2016.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2016–00396 Filed 1–11–16; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–15ADW]

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

Employer Perspective of an Insurer-Sponsored Wellness Grant—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. Under Public Law 91–596, sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1970), NIOSH has the responsibility to conduct research to advance the health and safety of workers. In this capacity, NIOSH proposes to conduct a study among employers in Ohio insured by the Ohio Bureau of Workers' Compensation (OHBWC) to: (1) Assess the effectiveness and cost-benefit of an intervention that funds workplace wellness programs and (2) understand the impact of integrating of wellness with traditional occupational safety and health (OSH) programs.

Work-related injuries and illnesses are common among US workers and result in pain, disability, and substantial cost to workers and employers. A recent, comprehensive analysis of the economic burden of work-related injuries and illnesses estimated that in 2007, alone, medical and indirect costs for work-related injuries and illnesses were $250 billion. According to the Bureau of Labor Statistics, there were 4,609 occupational fatalities in 2011 and approximately 2 million work-related injuries and illnesses that involved some lost work in 2010.

Workers' health is affected not only by workplace safety and health hazards but also workers' own health behaviors. Reflecting this, two different, yet, complementary approaches exist in the workplace: OSH programs and wellness programs. Both types of programs aim to improve worker health and reduce costs to employers, workers' compensation (WC) insurers, and society. Since 2004, NIOSH has advocated an approach that coordinates wellness programs with OSH programs because emerging evidence suggests that integrating these two fields may have a synergistic effect on worker safety and health.

NIOSH has established an intramural program for protecting and promoting Total Worker Health™. The NIOSH Total Worker Health™ Cross-Sector Program promotes the integration of health and safety protection with health and wellness promotion through research, interventions, partnerships, and capacity building to meet the needs of the 21st century workforce. The proposed project addresses three priority goals of the NIOSH Total Worker Health™ Program: (1) Investigate the costs/benefits associated with comprehensive, coordinated work-based health protection/health promotion interventions, (2) improve the understanding of how the work environment influences the effectiveness of health programs and identify opportunities for workplace interventions to prevent, control, recognize and manage common chronic conditions, and (3) conduct scientific research that more holistically investigates organizational and worker health and safety outcomes associated with emerging issues and addresses gaps in knowledge in the health protection/health promotion field.

There is a need for research to demonstrate a 'business case' for both wellness programs and integrated OSH-wellness programs and identify OSH organizational and management policies, programs and practices that effectively reduce work-related injuries, illnesses, disabilities and WC costs. To date, small employers have been largely ignored in these areas and many studies have focused on the manufacturing industry. Real-world examples of effective interventions that apply to employers of all sizes and industries will ultimately improve workers' health and safety.

For the current study, NIOSH and OHBWC are collaborating on a project to determine the effectiveness and economic return of the Workplace Wellness Grant Program (WWGP) and to understand the impact of integrating of wellness with traditional OSH programs. In early 2012 OHBWC took steps to integrate wellness and OSH programs by launching the WWGP, in which an estimated 400 (currently 321) employers and 13,000 employees will be provided a total of $4 million in funds over four years to implement wellness programs.

The majority of the study aims will be accomplished through secondary analysis of pre- and post-intervention data being collected by OHBWC and shared with NIOSH. For the overall study, data for participating employers will include aggregate health risk appraisal data; aggregate biometric data; turnover data; health care utilization costs; information about occupational safety and health, wellness, and integrated occupational safety and health-wellness program elements; OHBWC WWGP expense records; yearly WC claims and cost data; data that details employer participation in other OHBWC programs; industry codes, and employer size. For the annual case study verification interviews, a sample of no more than 50 employers will be selected among grantees for 1–2 brief phone calls to confirm responses on an annual survey administered by OHBWC. Therefore, up to 100 key informants may be contacted if we do not speak to the same person each time, as reflected in the Estimated Annualized Burden table below.

In addition, NIOSH will supplement the cost data extracted from existing sources with information collected through in-depth, semi-structured interviews with no more than 25, randomly selected, participating employers. Data gathered from these employer interviews are critical to compute ratios of total savings to total costs for the grant-supported wellness programs from the perspective of the participating employers.

NIOSH will ask key informant from the employer a series of questions that will be used to estimate direct and indirect costs that were not directly funded by the WWGP during and after the grant funding period. This will be accomplished by collecting as detailed information as possible about the employer's wellness program and occupational and safety program costs. Topics will include questions about: The timeline and confirmation of grant funding, non-grant funds used for wellness program costs after receiving the first grant, and other questions about their wellness program.

The results of these interview-supplemented case studies will be used to estimate the proportion by which total employer costs exceed the cost of the primary wellness program vendor, as well as the proportion of these costs attributable to establishing the program in the first year versus operating the program in subsequent years. These estimates will be applied to generate total employer costs for all of the WWGP recipients, with sensitivity analysis based on the observed

variability of employer costs in the case studies.

If the WWGP is effective at improving worker health, reducing WC claims and demonstrating a positive economic return, then other employers and insurance carriers may develop similar programs and drive the optimization of integrated OSH-wellness approaches. NIOSH expects to complete data collection in 2017. It is estimated that a maximum of 100 individuals will be interviewed (up to 50 for the semi-structured economic interviews and up to 100 for the annual case study verification interviews). The hour-burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and participating in the interview. There are no costs to interviewees other than their time. The total estimated annual burden hours are 150.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Wellness Program Coordinators.	Employers interview on cost of wellness and occupational safety and health program.	25	1	2
Occupational Safety and Health Specialists.	Employers interview on cost of wellness and occupational safety and health program.	25	1	2
The person in charge of the employer's wellness program.	Annual case study verification interview	100	1	30/60

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. 2016–00383 Filed 1–11–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–4990]

Next Generation Sequencing-Based Oncology Panels; 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 a public workshop entitled ''Next Generation Sequencing-Based Oncology Panels.'' The purpose of this workshop is to obtain feedback on analytical and clinical validation approaches for next generation sequencing (NGS)-based oncology panels. Comments and suggestions generated through this workshop will help guide the development of appropriate regulatory standards for evaluation of NGS-based oncology panels in cancer patient management.

DATES: The public workshop will be held on February 25, 2016, from 8:30 a.m. to 5 p.m. Submit either electronic or written comments on the public workshop by March 28, 2016.

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Rm. 1503 B and C (the Great Room), Silver Spring, MD 20993. Entrance for the public workshop 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–2015–N–4990 for ''Next Generation Sequencing-Based Oncology Panels.'' 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: Jennifer Dickey, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. 5648, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–5028, *Jennifer.Dickey@fda.hhs.gov*.

I. Background

A number of oncology therapeutic products have been approved with corresponding companion diagnostics (Ref. 1). To date, approved companion diagnostic assays assess a single analyte or prespecified mutations associated with therapeutic response; however, NGS technology can interrogate a patient's tumor specimen for numerous biomarkers concurrently, introducing challenges to the current companion diagnostic paradigm. Additionally, NGS tumor panels are increasingly employed for use in similar oncology applications because the technology can be used to screen a cancer patient's specimen for many relevant mutations simultaneously.

FDA is holding this public workshop to solicit input from external stakeholders on approaches to establish performance characteristics of NGS-based oncology panels that include variants that are intended to be used as companion diagnostics, as well as other variants that may be used for alternative therapeutic management of patients who have already been considered for all appropriate therapies. The Agency is requesting public input on strategies for establishing performance characteristics for NGS-based oncology panels for rare variants across tumor types, follow-on companion diagnostic claims, and post-approval assay modifications. Further details to be considered and discussed at the workshop will be outlined in a discussion paper that will be posted publicly and available prior to the workshop at the following site: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.)

II. Topics for Discussion at the Public Workshop

This public workshop will consist of brief presentations to provide information to frame the goals of the workshop and interactive discussions via several panel sessions. Following the presentations, there will be a moderated discussion where speakers and additional panelists will be asked to provide their individual perspectives. The presentations and discussions will focus on several topics, including a description of a hypothetical NGS-based oncology panel test and its general intended use; considerations for pre-analytical and quality metric approaches; challenges in analytical validation and the potential for development of a flexible approach for post-approval assay modifications; and the framework for clinical and follow-on companion diagnostic claims. In advance of the meeting, FDA plans to post a discussion paper outlining FDA's current thinking for NGS-based oncology panels and the issues for discussion at the workshop at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.) FDA will place the 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*. The deadline for submitting comments on this document for presentation at the public workshop is February 2, 2016, although comments related to this document can be submitted until March 28, 2016. A detailed agenda will be posted on this Web site in advance of the workshop.

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. on February 17, 2016. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7:30 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, Center for Devices and Radiological Health, Office of Communication and Education, phone 301–796–5661, email: *mailto:Susan.Monahan@fda.hhs.gov* no later than 4 p.m. on February 11, 2016.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this meeting/public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, email, and telephone number. Those without Internet access should contact Susan Monahan to register (see special accommodations contact). 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 February 17, 2016. Please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this meeting/public workshop from the posted events list.) If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm*. To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview*. (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Requests for Oral Presentations: This public workshop includes a public comment session. During online registration you may indicate if you wish to present during a public comment session, and which topics you wish to address. FDA has included general topics in this document which will be addressed in greater detail in a

subsequent discussion paper (see **SUPPLEMENTARY INFORMATION**). FDA will do its best to accommodate requests to make public comment. 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. All requests to make oral presentations must be received by February 2, 2016. FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by February 8, 2016. If selected for presentation, any presentation materials must be emailed to Jennifer Dickey (see **FOR FURTHER INFORMATION CONTACT**) no later than February 16, 2016, at 4 p.m. No commercial promotional material will be permitted to be presented or distributed at this public workshop.

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.)

III. Reference

The following reference is on display in the Division of Dockets Management (see **ADDRESSES**) and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at *http://www.regulations.gov*. FDA has verified the Web site address, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. Please refer to FDA's Web site on companion diagnostics, available at *http://www.fda.gov/companiondiagnostics*.

Dated: January 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–00328 Filed 1–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0977]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents

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, 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 regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents.

DATES: Submit either electronic or written comments on the collection of information by March 14, 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–2012–N–0977 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents.'' 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.

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents—21 CFR 1140

OMB Control Number 0910–0312—Extension

This is a request for an extension of OMB approval for the information collection requirements contained in FDA's regulations for cigarettes and smokeless tobacco containing nicotine. The regulations that are codified at 21 CFR part 1140 are authorized by section 102 of the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31). Section 102 of the Tobacco Control Act required FDA to publish a final rule regarding cigarettes and smokeless tobacco identical in its provisions to the regulation issued by FDA in 1996 (61 FR 44396, August 28, 1996), with certain specified exceptions including that subpart C (which included § 897.24) and § 897.32(c) be removed from the reissued rule (section 102(a)(2)(B)). The reissued final rule was published in the **Federal Register** of March 19, 2010 (75 FR 13225).

This collection includes reporting information requirements for § 1140.30 which directs persons to notify FDA if they intend to use a form of advertising that is not addressed in the regulations. The requirements are as follows:

21 CFR 1140.30	Reporting	Directs persons to notify FDA if they intend to use a form of advertising that is not originally described in the March 19, 2010, final rule.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1140.30 (Scope of Permissible Forms of Labeling and Advertising)	300	1	300	1	300

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden hour estimates for this collection of information were based on industry-prepared data and information regarding cigarette and smokeless tobacco product advertising expenditures.

Section 1140.30 requires manufacturers, distributors, and retailers: (1) To observe certain format and content requirements for labeling and advertising, and (2) to notify FDA if they intend to use an advertising medium that is not listed in the regulations. The concept of permitted advertising in § 1140.30 is sufficiently broad to encompass most forms of advertising. FDA estimates that approximately 300 respondents will submit an annual notice of alternative advertising, and the Agency has estimated it should take 1 hour to provide such notice. Therefore, FDA estimates that the total time required for this collection of information is 300 hours.

Dated: January 6, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–00326 Filed 1–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and Sexually Transmitted Diseases (STD) Prevention and Treatment; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT)

Date and Time: February 3, 2016, 3:00 p.m.–4:00 p.m. (EST)

Place: This meeting is accessible via audio conference call.

Status: This meeting is open to the public. The virtual meeting is available via teleconference line and will accommodate approximately 100 people. Join the meeting by calling the toll free phone number at 1–800–369–3340 and providing the public participant passcode number: 4318075. Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. Call 301–443–9684 or send an email to *sgordon@hrsa.gov* with questions. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed below at least 10 days prior to the meeting.

Purpose: This Committee is charged with advising the Director, CDC, and the Administrator, HRSA, regarding activities related to prevention and control of HIV/AIDS, Viral Hepatitis and other STDs, the support of health care services to persons living with HIV/AIDS, and education of health professionals and the public about HIV/AIDS, Viral Hepatitis and other STDs.

Agenda: Agenda includes a discussion and vote on the ''Resolution relative to increasing federal funding for innovative HIV, STD, and viral hepatitis prevention and care programs in the context of continued Affordable Care Act implementation.'' Agenda items are subject to change as priorities dictate.

FOR FURTHER INFORMATION CONTACT: Shelley B. Gordon, Senior Public Health Analyst, Health Resources and Services Administration, HIV/AIDS Bureau, Division of Policy and Data, 5600 Fishers Lane, Room 09N154, Rockville, Maryland 20857, Telephone: 301–443–9684, Fax: 301–443–3343, and/or email: *sgordon@hrsa.gov.*

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–00370 Filed 1–11–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than March 14, 2016.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Telehealth Resource Center Performance Measurement Tool, OMB No. 0915–0361—Revision

Abstract: To ensure the best use of public funds and to meet the Government Performance Review Act (GPRA) requirements, the Federal Office of Rural Health's Office for the Advancement of Telehealth (OAT), in collaboration with the Telehealth Resource Centers (TRCs), created a set of performance measures that grantees can use to evaluate the technical assistance services provided by the TRCs. Grantee goals are to customize the provision of telehealth technical assistance across the country. The TRCs provide technical assistance to health care organizations, health care networks, and health care providers in the implementation of cost-effective telehealth programs to serve rural and medically underserved areas and populations.

Need and Proposed Use of the Information: In order to evaluate existing programs, data are obtained from the Performance Improvement Measurement system (PIMs). The data are used to measure the effectiveness of the technical assistance. The tool is also used to address GPRA initiatives. There are two data reporting periods each year; during these biannual reporting, data are reported for the previous 6 months of activity. Programs have approximately 6 weeks to enter their data into the PIMs system during each biannual reporting period. The instrument was developed with the following four goals in mind:

I. improving access to needed services;
II. reducing rural practitioner isolation;
III. improving health system productivity and efficiency; and
IV. improving patient outcomes.

The TRCs currently report on existing performance data elements using PIMs. The current PIMs will continue to be used to report on new measures. The performance measures are designed to assess how the TRC program is meeting its goals to:

1. Expand the availability of telehealth services in underserved communities;
2. Improve the quality, efficiency, and effectiveness of telehealth services;
3. Promote knowledge exchange and dissemination about efficient and effective telehealth practices and technology; and
4. Establish sustainable technical assistance (TA) centers providing quality, unbiased TA for the development and expansion of effective and efficient telehealth services in underserved communities.

Additionally, the PIMs tool allows OAT to:

- Fulfill obligations for GPRA and Program Assessment Rating Tool requirements and to report to Congress the value added from the TRC Grant Program;
- Justify budget requests;
- Collect uniform, consistent data which enables OAT to monitor programs;
- Provide guidance to grantees on important indicators to track over time

for their own internal program management;

• Measure performance relative to the mission of OAT/HRSA as well as individual goals and objectives of the program;

• Identify topics of interest for future special studies; and

• Identify changes in healthcare needs within rural communities, allowing programs to shift focus in order to meet those needs.

This revised request proposes changes to existing measures. After compiling data from the previous tool over the last 3 years, the Office conducted an analysis of the data and compared the findings with the program needs. Based on the findings, the measures were revised to better capture information necessary to measure the effectiveness of the program.

Likely Respondents: The likely respondents will be telehealth associations, telehealth providers, rural health providers, clinicians that deliver services via telehealth, technical assistance providers, research organizations, and academic medical centers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Telehealth Resource Center Performance Data Collection Tool	14	42	588	0.07	41.16
Total	14	42	588	0.07	41.16

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–00372 Filed 1–11–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting Announcement for the Physician-Focused Payment Model Technical Advisory Committee Required by the Medicare Access and CHIP Reauthorization Act (MACRA) of 2015

ACTION: Notice of public meeting.

SUMMARY: This notice announces the first meeting date for the Physician-Focused Payment Model Technical Advisory Committee (hereafter referred to as ''the Committee'') on Monday, February 1, 2016.

Table of Contents

DATES: The meeting will be held on Monday, February 1, 2016, from 1:00 p.m. to 5:00 p.m. Eastern Standard Time (EST) and is open to the public.

ADDRESSES: The meeting will be held in Room 5051 of the Wilbur J. Cohen Federal Building, 330 Independence Ave. SW., Washington, DC 20201.

Meeting Registration

The public may attend the meeting in-person or listen via audio teleconference. Space is limited and registration is *required.* Registration may be completed online at *www.regonline.com/PTACommitteeMeetingRegistration.* All the following information must be submitted when registering:

Name.
Company name.
Postal address.
Email address.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Scott R. Smith, no later than January 22, 2016 at the contact information listed below.

FOR FURTHER INFORMATION CONTACT: Scott R. Smith, Ph.D., Designated Federal Officer, at the Office of Health Policy, Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Ave. SW., Washington, DC 20201, (202) 690–6870.

SUPPLEMENTARY INFORMATION:

I. Purpose

The Physician-Focused Payment Model Technical Advisory Committee (''the Committee'') is authorized by the Medicare Access and CHIP Reauthorization Act of 2015, 42 U.S.C. 1395ee. This Committee is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees. In accordance with its statutory mandate, the Committee is to review physician-focused payment model proposals and prepare recommendations regarding whether such models meet criteria that will be established through rulemaking by the Secretary of the Department of Health and Human Services (DHHS) (the Secretary). The Committee is composed of 11 members appointed by the Comptroller General with staggering terms of 1, 2, and 3 years as specified in the authorizing legislation.

II. Agenda

The Committee will receive information about MACRA

implementation and about payment models currently being tested by the Center for Medicare & Medicaid Innovation within the Centers for Medicare & Medicaid Services (CMS).

III. Meeting Attendance

The first meeting (February 1, 2016) is open to the public; however, attendance is limited to space available. Priority will be given to those who pre-register and attendance may be limited based on the number of registrants and the space available.

Persons wishing to attend this meeting, which is located on federal property, must register by following the instructions in the ''Meeting Registration'' section of this notice. A confirmation email will be sent to the registrants shortly after completing the registration process.

IV. Security and Building Guidelines

The following are the security and building guidelines:

Persons attending the meeting, including presenters, must be pre-registered and on the attendance list by the prescribed date.

Individuals who are not pre-registered in advance may not be permitted to enter the building and may be unable to attend the meeting.

Attendees must present a government-issued photo identification to the Federal Protective Service or Guard Service personnel before entering the building. Without a current, valid photo ID, persons may not be permitted entry to the building.

All persons entering the building must pass through a metal detector.

All items brought into the Cohen Building including personal items, for example, laptops and cell phones are subject to physical inspection.

The public may enter the building 30 to 45 minutes before the meeting convenes each day.

V. Special Accommodations

Individuals requiring special accommodations must include the request for these services during registration.

VI. Copies of the Charter

The Secretary's Charter for the Physician-Focused Payment Model Technical Advisory Committee is available on the ASPE Web site at *https://aspe.hhs.gov/medicare-access-and-chip-reauthorization-act-2015.*

Dated: January 7, 2015.

Richard G. Frank,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2016–00450 Filed 1–11–16; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Digestive Diseases and Nutrition.

Date: February 10, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DDK–C Conflicts.

Date: February 11, 2016.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science in NIDDK Research Areas (PAR–13–305) Nephrology.

Date: February 22, 2016.

Time: 11:00 a.m. to 1:00 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: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Colon Function Program Projects.

Date: March 3, 2016.

Time: 9:00 a.m. to 1:00 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: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.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: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00350 Filed 1–11–16; 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; Member

Conflict: Health Care Delivery and Methodologies Research Project Grants.

Date: January 25, 2016.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@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; RFA Panel: Animal/Biological Resource Facilities.

Date: January 27–28, 2016.

Time: 9:00 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: Andrea B Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@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: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: February 3–4, 2016.

Time: 8:00 a.m. to 6:00 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: Olga A Tjurmina, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Medical Imaging Study Section.

Date: February 8–9, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: February 8–9, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: February 8–9, 2016.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Deborah L Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, *lewisdeb@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

Date: February 8, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA 20191.

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.

Date: February 8–9, 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: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Imaging Technology B Study Section.

Date: February 8–9, 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.

Contact Person: Eileen W Bradley, DSC, IRG Chief, Surgical Sciences Biomedical Imaging and Bioengineering Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

Date: February 8–9, 2016.

Time: 8:00 a.m. to 6:00 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: 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.*

(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: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00352 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the 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 materials, 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: Fogarty International Center Advisory Board.

Date: February 8–9, 2016.

Closed: February 8, 2016 1:00 p.m. to 5:00 p.m.

Agenda: Second level review of grant applications.

Place: National Institutes of Health, Stone House, Building 16, Conference Room, Bethesda, MD 20892.

Open: February 9, 2016, 9:00 a.m. to 3:00 p.m.

Agenda: Update and discussion of current and planned FIC activities, including a review of the International Tobacco and Health Research and Capacity Building Program.

Place: National Institutes of Health, Stone House, Building 16, Conference Room, Bethesda, MD 20892.

Contact Person: Kristen Weymouth, Executive Secretary, Fogarty International Center, National Institutes of Health, 31 Center Drive, Room B2C02, Bethesda, MD 20892, (301) 496–1415, *weymouthk@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.fic.nih.gov/About/Advisory/Pages/default.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.106, Minority International Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior International Fellowship Awards Program, National Institutes of Health HHS)

Dated: January 6, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00346 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: February 8–9, 2016.

Closed: February 8, 2016, 3:00 p.m. to adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 31 Center Drive, Building 31, Conference Room 6, Bethesda, MD 20892.

Open: February 9, 2016, 8:00 a.m. to adjournment.

Agenda: The agenda will include opening remarks, administrative matters, Director's report, NIH Health Disparities update, and other business of the Council.

Place: National Institutes of Health, 31 Center Drive, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Dr. Joyce A. Hunter, Deputy Director, NIMHD, National Institutes of Health, National Institute on Minority Health and Heath Disparities, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 402–1366, *hunterj@nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxis, hotel, and airport shuttles, will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00347 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel Support Structures for Alzheimer's Disease.

Date: February 9–10, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Maurizio Grimaldi, Md, Ph.D., Scientific Review Officer, National Institute on Aging National Institutes of Health, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–496–9374 *grimaldim2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 6, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00353 Filed 1–11–16; 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 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–15–018: Understanding the Pathogenesis and Etiology of Type 1 Diabetes Using Biosamples and Subjects from Clinical Studies (DP3).

Date: February 5, 2016.

Time: 12:00 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: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–5947682, *campd@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Program Projects (P01).

Date: February 19, 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: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 741A, 6707 Democracy Boulevard, Bethesda, MD 20892542, 301–496–9010, *hoffertj@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Program Project on GI Diseases.

Date: March 3, 2016.

Time: 3:00 p.m. to 5:45 p.m.

Agenda: To review and evaluate grant applications.

Name of Committee: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@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: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00349 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Extension of Public Comment Period for the Request for Information (RFI): Soliciting Input for the National Center for Advancing Translational Sciences (NCATS) Strategic Planning Process

SUMMARY: The National Center for Advancing Translational Sciences (NCATS) is extending the comment period for responses to its Request for Information (RFI), published in Vol. 80, No. 195, of the **Federal Register** on October 8, 2015. The response date has been extended from January 8, 2016, to February 8, 2016, to provide additional time for any and all interested parties to respond to this RFI. Comments must be submitted electronically using the web-based form available at *http://grants.nih.gov/grants/rfi/rfi.cfm?ID=50.*

FOR FURTHER INFORMATION CONTACT: Specific questions about this notice should be sent via email to: *NCATSstrategicplan@mail.nih.gov.*

Dated: *January 6, 2016.*

Christopher P. Austin,

Director, NCATS.

[FR Doc. 2016–00409 Filed 1–11–16; 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 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Policy Review.

Date: February 22, 2016.

Time: 10:00 a.m. to 11:30 a.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: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science in NIDDK Research Areas (PAR–13–305) Nephrology.

Date: February 29, 2016.

Time: 11:00 a.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: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard,

Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology andMetabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00348 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; 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 Biomedical Imaging and Bioengineering Special Emphasis Panel; MSM Program Review (2016/05).

Date: March 10–11, 2016.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging And Bioengineering, National Institutes of Health, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, (301) 451–3397, *sukharem@mail.nih.gov.*

Dated: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00351 Filed 1–11–16; 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 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemo Dietary Prevention of Cancer.

Date: January 19, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@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.

(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: January 6, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00355 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Investigating Factors That Influence Career Choice Among Neuroscience Trainees NINDS

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 Institute of Neurological Disorders and Stroke (NINDS), 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: Paul A. Scott, Ph.D., Director, Office of Science Policy and Planning, National Institute of Neurological Disorders and Stroke, 31 Center Drive, Room 8A03, Bethesda, MD 20892–2540 or call non-toll-free number (301) 451–7964 or Email your request, including your address to: *NINDSWorkforceSurvey@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: Investigating Factors that Influence Career Choice Among Neuroscience Trainees NINDS, 0925–NEW, National Institute of Neurological Disorders and Stroke (NINDS), National Institutes of Health (NIH).

Need and Use of Information Collection: In order to create and administer effective training programs for a diverse research workforce, NINDS needs information about the factors influencing career choice among different populations, particularly those underrepresented in the neuroscience

workforce. Few studies have looked into factors influencing career choice among biomedical science trainees and how those career choices are influenced by social identity (race/ethnicity, gender, disability, disadvantaged background, and their intersection); none, to our knowledge, has reported this data specifically for neuroscientists. In pursuit of the training mission of NINDS, the Office of Training, Career Development, and Workforce Diversity (OTCDWD) administers programs to train the next generation of neuroscientists and to increase diversity of the neuroscience workforce. The information collected from this survey will help give NINDS a clearer picture of the environment and experiences of our trainee and potential trainee community. We are seeking a more accurate understanding of the career choices neuroscience trainees are making, and how well NINDS supports our trainees' needs and facilitates successful career trajectories. The survey will help improve our current programs, develop training opportunities, and provide programmatic support for current and future NINDS trainees.

OMB approval is requested for 18 months. There are no costs to respondents other than their time. The total estimated annualized burden hours are 205.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Predoctoral	314	1	20/60	105
Postdoctoral	200	1	20/60	67
Professional	100	1	20/60	33

Dated: December 23, 2015.

Walter Koroshetz, M.D.,

Director, National Institute of Neurological Disorders and Stroke NINDS, NIH.

[FR Doc. 2016–00410 Filed 1–11–16; 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: Population Sciences and Epidemiology Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.

Date: February 2–3, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club and Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: George Vogler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3140, MSC 7770, Bethesda, MD 20892, (301) 237–2693, *voglergp@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: February 4–5, 2016.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel Fisherman's Wharf, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.

Date: February 4–5, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC DuPont Circle Hotel, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–0229, *kenneth.ryan@nih.hhs.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Respiratory Integrative Biology and Translational Research Study Section.

Date: February 4, 2016.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Hypersensitivity, Autoimmune, and Immune-mediated Diseases Study Section.

Date: February 4–5, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Bahiru Gametchu, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–408–9329, *gametchb@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Inflammation of the Cardiovascular System Study Section.

Date: February 4–5, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

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.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.

Date: February 4–5, 2016.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue NW.,Washington, DC 20037.

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135,

MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Technologies for Healthy Independent Living.

Date: February 5, 2016

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Rockville, MD 20852.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–237–9870, *xuguofen@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: January 6, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00354 Filed 1–11–16; 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 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Title: Translational Research to Improve Outcomes in Kidney Diseases.

Date: February 10, 2016.

Time: 10:00 a.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: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Team Science in NIDDK Research Areas in Hematology (PAR–13–305).

Date: February 24, 2016.

Time: 11:00 a.m. to 1:00 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: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK—Bioinformatics and Diabetes, Obesity and Metabolic Disease (T32) SEP.

Date: February 25, 2016.

Time: 9:00 a.m. to 11:30 a.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: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Diabetes Translation P30.

Date: March 8–9, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Urinary Stone Disease Research Network (U01).

Date: March 10, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View, 2800 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 741A, 6707 Democracy Boulevard, Bethesda, MD 20892542, 301–496–9010, *hoffertj@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: January 6, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00345 Filed 1–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0973]

Random Drug Testing Rate for Covered Crewmembers for 2016

AGENCY: Coast Guard, DHS.

ACTION: Notice of minimum random drug testing rate.

SUMMARY: The Coast Guard has set the calendar year 2016 minimum random drug testing rate at 25 percent of covered crewmembers.

DATES: The minimum random drug testing rate is effective January 1, 2016 through December 31, 2016. Marine employers must submit their 2015 Management Information System (MIS) reports no later than March 15, 2016.

ADDRESSES: Annual MIS reports may be submitted by electronic submission to the following Internet address: *http://homeport.uscg.mil/Drugtestreports.*

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Patrick Mannion, Drug and Alcohol Program Manager, Office of Investigations and Casualty Analysis (CG–INV), U.S. Coast Guard Headquarters, telephone 202–372–1033.

SUPPLEMENTARY INFORMATION: The Coast Guard requires marine employers to establish random drug testing programs for covered crewmembers on inspected and uninspected vessels in accordance with 46 CFR 16.230. Every marine employer is required by 46 CFR 16.500 to collect and maintain a record of drug testing program data for each calendar year, and submit this data by 15 March of the following year to the Coast Guard in an annual MIS report.

Each year, the Coast Guard will publish a notice reporting the results of random drug testing for the previous calendar year's MIS data and the minimum annual percentage rate for

random drug testing for the next calendar year. The purpose of setting a minimum random drug testing rate is to assist the Coast Guard in analyzing its current approach for deterring and detecting illegal drug abuse in the maritime industry.

The Coast Guard announces that the minimum random drug testing rate for calendar year 2016 is 25 percent. The Coast Guard may increase this rate if MIS data indicates a qualitative deficiency of reported data or the positive random testing rate is greater than 1.0 percent in accordance with 46 CFR 16.230(f)(2). MIS data for 2015 indicates that the positive rate is less than one percent industry-wide (0.87 percent).

For 2016, the minimum random drug testing rate will continue at 25 percent of covered employees for the period of January 1, 2016 through December 31, 2016 in accordance with 46 CFR 16.230(e).

Dated: January 6, 2016.

Verne B. Gifford, Jr.,

Captain, USCG, Director of Inspections and Compliance.

[FR Doc. 2016–00341 Filed 1–11–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–1120]

Cooperative Research and Development Agreement: Broadband Cellular and Satellite Communications Exploratory Development

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter into a Cooperative Research and Development Agreement (CRADA) with General Dynamics Mission Systems, Inc., to investigate the operational use of broadband cellular technology, including equipment that may be integrated into the National Public Safety Broadband Communication Band 14 LTE Network (commonly called FirstNet). The research also includes tactical employment of Multiple User Objective System (MUOS) Satellite Communications and common operational picture applications to establish Coast Guard network centric operations. A Pilot Demonstration schedule has been proposed in which General Dynamics will provide and install their Band 14 LTE Network, GeoSuite Server Common Operational Picture application, Satcom radios, smart phones, vehicle routers, modems, and antennas suitable for installation on select Coast Guard surface vessels, boarding teams, command center and ground vehicles. LTE Network base station radios will be placed on an existing CG-owned tower or a deployable equivalent. The Coast Guard Research and Development Center (R&D Center) will prepare a Pilot Demonstration Assessment Plan and a Coast Guard Sector will operate the equipment for exploratory development over a six-month period to collect information on suitability, reliability, maintenance requirements, and human systems interoperability. While the Coast Guard is currently considering partnering with General Dynamics Mission Systems, Inc., the agency is soliciting public comment on the possible nature of and participation of other parties in the proposed CRADA. In addition, the Coast Guard also invites other potential non-Federal participants to propose similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* or reach the Docket Management Facility, on or before February 11, 2016.

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) on or before February 11, 2016.

ADDRESSES: Submit comments online at *http://www.regulations.gov* in accordance with Web site instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Wayne Buchanan, Project Official, C4ISR Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2759, email *Wayne.R.Buchanan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

Comments should be marked with docket number USCG–2015–1120 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008). We also accept anonymous comments.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

Do not submit detailed proposals for future CRADAs to the Docket Management Facility. Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under the proposed CRADA, the R&D Center will collaborate with one non-Federal participant. Together, the R&D Center and the non-Federal participant will collect information/data for performance, reliability, maintenance requirements, human systems integration and other data on LTE broadband and MUOS communications technologies. After an initial installation and training, the Coast Guard plans to evaluate designated platforms outfitted

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

with the communications technologies for a period of six months.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) Develop the Demonstration Pilot Assessment Plan to meet the objectives of the CRADA with a diverse set of real-life mission scenarios.

(2) Provide the pilot demonstration range and range support in and around a Coast Guard Sector.

(3) Evaluate utility of a Coast Guard tower for installation of the LTE base station radios or identify an alternative site to deploy a mobile tower.

(4) Coordinate Pilot demonstration network connectivity to desired CG networks and systems and seek all spectra approvals.

(5) Collaborate with non-Federal partner to prepare demonstration documentation including equipment assessments, final report(s), and briefings.

We anticipate that the non-Federal participant's contributions under the proposed CRADA will include the following:

(1) Assist the R&D Center in the development and drafting of all CRADA documents, including the pilot demonstration assessment plan, equipment assessments, final report(s), and briefings.

(2) Provide and maintain the LTE Band 14 Network and MUOS communications equipment including radios, handsets, vehicle routers, and modems, to ensure the network is accessible.

(3) Secure, with R&D Center assistance, Special Temporary Authority (STA) to implement the Pilot using Band 14 spectrum.

(4) Provide technical support, training and maintenance throughout the period of performance to ensure maximum availability and utility of the networks.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering General Dynamics Mission Systems, Inc. for participation in this CRADA. This consideration is based on the fact that General Dynamics has demonstrated its technical ability as the developer, manufacturer, and integrator of LTE Band 14 Network equipment and MUOS Satcom technologies. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology assessment effort. The goal for the Coast Guard of this CRADA is to better understand the advantages, disadvantages, required technology enhancements, performance, costs, and other issues associated with Band 14 LTE broadband wireless communications and MUOS satellite communications. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S. This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: December 24, 2015.

Captain Dennis C. Evans, USCG,

Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2016–00474 Filed 1–11–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L14400000–BJ0000–16XL1109AF: HAG 16–0059]

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. 40 S., R. 4 E., accepted November 17, 2015

T. 41 S., R. 4 E., accepted December 18, 2015

T. 24 S., R. 3 W., accepted December 18, 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.

Mary J.M. Hartel,

Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2016–00461 Filed 1–11–16; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS01000 L13100000.EJ0000 16X]

Notice of Public Meetings, Southwest Colorado Resource Advisory Council Oil and Gas Sub-Group

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Southwest Resource Advisory Council (RAC) Oil and Gas Sub-Group is scheduled to meet as indicated below.

DATES: The Southwest RAC Oil and Gas Sub-Group will hold meetings on February 11, 2016, in Durango and Mancos, Colorado, as well as March 16, 2016, in Cortez and Hesperus, Colorado.

ADDRESSES: The February 11 Southwest RAC Oil and Gas Sub-Group meetings will be from 10 a.m. to approximately 12 p.m. at the La Plata County Fairgrounds, 2500 Main Ave., Durango, Colorado; and from 6 p.m. to approximately 8 p.m. at the Mancos School, 395 W. Grand Ave., Mancos, Colorado. The meetings have identical agendas. There will be a public comment period regarding matters on the agenda at 11:30 a.m. in Durango and 7:30 p.m. in Mancos.

The March 16 Southwest RAC Oil and Gas sub-group meetings will be from 10 a.m. to approximately 12 p.m. at the Montezuma County Annex, 107 N. Chestnut St., Cortez, Colorado; and from 6 p.m. to approximately 8 p.m. at the Fort Lewis Mesa Elementary School, 11274 Colorado Hwy. 140, Hesperus, Colorado. These meetings also have identical agendas. There will be a public comment period regarding matters on the agenda at 11:30 a.m. in Cortez and 7:30 p.m. in Hesperus.

FOR FURTHER INFORMATION CONTACT: Barbara Sharrow, BLM Southwest Acting District Manager, 970–240–5300; or Shannon Borders, Public Affairs Specialist, 970–240–5300; 2505 S. Townsend Ave., Montrose, CO 81401. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southwest RAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues in Colorado. The Southwest RAC Oil and Gas Sub-Group identifies key priorities for the Southwest RAC to recommend to the Secretary of the Interior through the BLM. At these meetings, the sub-group will continue to discuss the BLM's proposed Master Leasing Plan in western La Plata and eastern Montezuma counties. The meetings are open to the public. The public may present written comments to the sub-group. The meetings will also have time, as identified above, allocated for hearing public comments. Depending on the number of people wishing to comment and time available, the time for individual oral comments may be limited.

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2016–00393 Filed 1–11–16; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–980]

Certain Rack Mountable Power Distribution Units; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 8, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Server Technology, Inc. of Reno, Nevada. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rack mountable power distribution units by reason of infringement of certain claims of U.S. Patent No. 7,162,521 (''the '521 patent''), U.S. Patent No. 7,400,493 (''the '493 patent''), U.S. Patent No. 7,414,329 (''the '329 patent''), U.S. Patent No. 7,447,002 (''the '002 patent''), U.S. Patent No. 7,567,430 (''the '430 patent''), U.S. Patent No. 7,706,134 (''the '134 patent''), U.S. Patent No. 8,541,906 (''the '906 patent''), U.S. Patent No. 8,541,907 (''the '907 patent''), U.S. Patent No. 8,601,291 (''the '291 patent''), and U.S. Patent No. 8,694,272 (''the '272 patent''), and that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2015).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 6, 2016, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain rack mountable power distribution units by reason of infringement of one or more of claims 1, 2, 5–8, 16, 17, 19–23, 31, and 32–33 of the '521 patent; claims 1, 2–3, 5–6, 9–11, and 18–21 of the '493 patent; claims 1, 2–5, 10, 11–14, 19, and 20–21 of the '329 patent; claims 1, 2–4, 7–10, 12–14, 16, and 17 of the '002 patent; claims 1, 3–4, 6, 7, 10, 11, 12, 14, 16, 19, 20, 21, 22, 25, 26, 27, 30, and 31 of the '430 patent; claims 1, 2–6, 8, 9, 10, 12, 13, 14–16, 19–21, and 22 of the '134 patent; claims 1, 2–4, and 6–9 of the '906 patent; claims 1, 2, 4–8, 9, 10, 12–16, 17, 18–22, 23, and 24–27 of the '907 patent; claims 1, 2–6, 7, 8–9, 13, and 18 of the '291 patent; claims 1, 2–6, 10–11, and 19 of the '272 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which

this notice of investigation shall be served:

(a) The complainants are:

Server Technology, Inc., 1040 Sandhill Road, Reno, NV 89521.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Raritan Americas, Inc., 400 Cottontail Lane, Somerset, NJ 08873.

Legrand North America, 60 Woodlawn Street, West Hartford, CT 06110.

Legrand SA, 128 Avenue du Maréchal de Lattre, de Tassigny, 87045 Limoges cedex, France.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 6, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–00314 Filed 1–11–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–941]

Certain Graphics Processing Chips, Systems on a Chip, and Products Containing the Same

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (ALJ) has issued a final initial determination on December 22, 2015 and recommended determination on remedy and bonding on January 5, 2016.

The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order against certain graphics processing chips, systems on a chip, and products containing the same, imported by respondents; and a cease and desist order against respondents. The respondents are NVIDIA Corporation of Santa Clara, California; Biostar Microtech International Corp. of New Taipei, Taiwan; Biostar Microtech (U.S.A.) Corp. of City of Industry, California; Elitegroup Computer Systems Co. Ltd. of Taipei, Taiwan; Elitegroup Computer Systems, Inc. of Newark, California; EVGA Corp. of Brea, California; Fuhu, Inc. of El Segundo, California; Jaton Corp. of Fremont, California; Mad Catz, Inc. of San Diego, California; OUYA, Inc. of Santa Monica, California; Sparkle Computer Co., Ltd. of New Taipei City, Taiwan; Toradex, Inc. of Seattle, Washington; and ZOTAC USA, Inc. of Chino, California.

This notice is soliciting public interest comments only from the public. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4) within 30 days from service of the recommended determination.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3427. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained at *http://www.usitc.gov*. The public record for this investigation may be viewed on EDIS at *http://edis.usitc.gov*. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal at (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further developing the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five pages, inclusive of attachments, concerning the public interest in light of the ALJ's recommended determination on remedy and bonding issued in this investigation on January 5, 2016. Comments should address whether the issuance of a limited exclusion order and cease and desist order would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on

January 26, 2016. Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (Inv. No. 337–TA–941) in a prominent place on the cover page, the first page, or both. *See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*. Persons with questions regarding filing should contact the Secretary at (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10, 210.46, and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.46, 210.50).

By order of the Commission.

Issued: January 6, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–00329 Filed 1–11–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0029]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Annual Reporting for Manufacturers of Listed Chemicals

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Annual Reporting for Manufacturers of Listed Chemicals.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: None. The Department of Justice component is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): None.

Abstract: This information collection permits the DEA to monitor the volume and availability of domestically manufactured listed chemicals. These listed chemicals may be subject to diversion for the illicit production of controlled substances. This information is required by law.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that there are 100 total respondents for this information collection. In total, 100 respondents submit 100 responses, with each response taking 0.25 hours to complete.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 25 annual burden hours.

If additional information is required please contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: January 7, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00425 Filed 1–11–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0100]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Extension Without Change of a Previously Approved Collection; Monitoring Information Collections

AGENCY: Community Oriented Policing Services, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lashon M. Hilliard, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Monitoring Information Collections.

(3) *Agency form number: 1103–0100* U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: COPS Office hiring grantees that are selected for in-depth monitoring of their grant implementation and equipment grantees that report using COPS funds to implement a criminal intelligence system will be required to respond. The Monitoring Information Collections include two types of information collections: The Monitoring Request for Documentation and the 28 CFR part 23 Monitoring Kit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:*

It is estimated that 150 respondents annually will complete the Monitoring Request for Documentation at 3 hours per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

There are an estimated 450 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room, 3E.405B, Washington, DC 20530.

Dated: January 7, 2016.

Jerri Murray,

Department Clearance Officer for PRA U.S. Department of Justice.

[FR Doc. 2016–00424 Filed 1–11–16; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0105]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision to a Previously Approved Collection Community Policing Self-Assessment (CP–SAT)

AGENCY: Community Oriented Policing Services, Department of Justice

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lashon M. Hilliard, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a previously approved collection.

(2) *Title of the Form/Collection:* Community Policing Self-Assessment (CP–SAT).

(3) *The agency form number 1103–0105* U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Law Enforcement Agencies and community partners.

Abstract: The purpose of this project is to improve the practice of community policing throughout the United States by supporting the development of a series of tools that will allow law enforcement agencies to gain better insight into the depth and breadth of their community policing activities.

(5) *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond/reply:

It is estimated that approximately 20,964 respondents will respond with an average of 15 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated burden is 5,241 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B Washington, DC 20530.

Dated: January 7, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00423 Filed 1–11–16; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF LABOR

Office of the Secretary

North American Agreement on Labor Cooperation Notice of Determination Regarding Review of Submission #2015–04

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Office of Trade and Labor Affairs (OTLA) gives notice that on January 11, 2016, Submission #2015–04 regarding Mexico was accepted for review pursuant to Article 16(3) of the North American Agreement on Labor Cooperation (NAALC).

On November 12, 2015, the United Food & Commercial Workers Local 770, the Frente Auténtico del Trabajo, the Los Angeles Alliance for a New Economy, and the Project on Organizing, Development, Education, and Research, provided a submission to OTLA, through Change to Win, alleging violations of the NAALC by the Government of Mexico (GOM). U.S. Submission #2015–04 alleges that the GOM has failed to meet its obligations under the NAALC, including to effectively enforce its labor laws with respect to freedom of association, collective bargaining, discrimination, minimum labor standards, occupational safety and health, and workers' compensation and to ensure that its labor law proceedings are fair, equitable, and transparent.

OTLA's decision to accept the submission for review is not intended to indicate any determination as to the validity or accuracy of the allegations contained in the submission. The objective of the review will be to gather information so that OTLA can better understand the allegations contained in the submission and publicly report on the issues raised therein in light of the GOM's obligations under the NAALC. As set out in the Procedural Guidelines (published as 71 FR 76691 (2006)), OTLA will complete the review and issue a public report to the Secretary of Labor within 180 days of this acceptance, unless circumstances, as determined by OTLA, require an extension of time.

DATES: *Effective Date:* January 11, 2016.

FOR FURTHER INFORMATION CONTACT: Matthew Levin, Director, OTLA, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5303, Washington, DC 20210. Telephone: (202) 693–4900. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Article 16(3) of the NAALC requires that each Party's National Administrative Office provide for the submission and receipt of public communications (''submissions'') regarding labor law matters arising in the territory of another Party and review those submissions in accordance with domestic procedures. A **Federal Register** notice issued on December 21, 2006, informed the public that the OTLA had been designated as the office to serve as the contact point for implementing the labor provisions of United States free trade agreements and had retained the functions of, and designation as, the National Administrative Office to administer Departmental responsibilities under the NAALC. The same **Federal Register** notice informed the public of the Procedural Guidelines that OTLA would follow for the receipt and review of public submissions (71 FR 76691 (2006)). These Procedural Guidelines are available at *http://www.dol.gov/ilab/media/pdf/2006021837.pdf.* According to the definitions contained in the Procedural Guidelines (Section B) a ''submission'' is ''a communication from the public containing specific allegations, accompanied by relevant supporting information, that another Party has failed to meet its commitments or obligations arising under a labor chapter'' of a U.S. free trade agreement or Part Two of the NAALC.

The Procedural Guidelines specify that OTLA shall consider six factors, to the extent that they are relevant, in determining whether to accept a submission for review:

1. Whether the submission raises issues relevant to any matter arising under a labor chapter or the NAALC;
2. Whether a review would further the objectives of a labor chapter or the NAALC;
3. Whether the submission clearly identifies the person filing the submission, is signed and dated, and is sufficiently specific to determine the nature of the request and permit an appropriate review;
4. Whether the statements contained in the submission, if substantiated, would constitute a failure of the other Party to comply with its obligations or commitments under a labor chapter or the NAALC;
5. Whether the statements contained in the submission or available information demonstrate that appropriate relief has been sought under the domestic laws of the other Party, or that the matter or a related matter is pending before an international body; and
6. Whether the submission is substantially similar to a recent submission and significant, new information has been furnished that would substantially differentiate the submission from the one previously filed.

U.S. Submission #2015–04 alleges that the GOM has failed to meet its obligations under the NAALC, including to effectively enforce its labor laws with respect to freedom of association, collective bargaining, discrimination, minimum labor standards, occupational safety and health, and workers' compensation and to ensure that its labor law proceedings are fair, equitable, and transparent.

In determining whether to accept the submission, OTLA considered the statements in the submission in light of the relevant factors identified in the Procedural Guidelines. The submission raises issues relevant to multiple NAALC Labor Principles. The submission clearly identifies the submitters, is signed and dated, and is sufficiently specific to determine the nature of the request and permit an appropriate review. The submission raises pertinent issues that could further the objectives of the NAALC and that could, if substantiated, constitute a failure of the GOM to comply with its obligations under the NAALC. The submitters provided both general information and specific worker interview results related to alleged protection contracts and a description of methodology and efforts to gain access to registered collective bargaining agreements through Web sites and GOM officials. The submission notes that

issues raised in the submission have not been remedied to date. OTLA has not received similar submissions related to the NAALC obligations of the GOM. Accordingly, OTLA has accepted the submission for review.

OTLA's decision to accept the submission for review is not intended to indicate any determination as to the validity or accuracy of the allegations contained in the submission. The objective of the review will be to gather information so that OTLA can better understand the allegations contained in the submission and to publicly report on the issues raised therein. As set out in the Procedural Guidelines, OTLA will complete the review and issue a public report to the Secretary of Labor within 180 days, unless circumstances, as determined by OTLA, require an extension of time. The public report will include a summary of the review process, as well as any findings and recommendations.

Signed in Washington, DC, on January 7, 2016.

Carol Pier,

Deputy Undersecretary for International Affairs.

[FR Doc. 2016–00436 Filed 1–11–16; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Comment Request for Information Collection for the Evaluation of the Disability Employment Initiative Round 5 and Future Rounds

AGENCY: Office of Disability Employment Policy, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed. Currently, the Department of Labor is soliciting comments concerning the collection of data about the Evaluation of the Disability Employment Initiative Round 5 and Future Rounds. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before February 11, 2016.

ADDRESSES: You may submit comments by either one of the following methods: Email: *hunter.cherise@dol.gov;* Mail or Courier: Office of Disability Employment Policy, U.S. Department of Labor, Room S–1303, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Cherise Hunter.

FOR FURTHER INFORMATION CONTACT: Cherise Hunter by telephone at 202–693–4931 (this is not a toll-free number) or by email at *hunter.cherise@dol.gov.* Copies of this notice may be obtained in alternative formats (Large print, Braille, Audio Tape, or Disc), upon request by calling (202) 693–7880 (this is not a toll-free number). TTY/TTD callers may dial (202) 693–7881 to obtain information or to request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background

The proposed information collection activities described in this notice will provide data for an impact and implementation evaluation of the Disability Employment Initiative Round 5 and future rounds (DEI R5FR). The DEI was first funded by the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) and Office of Disability Employment Policy (ODEP) in 2010. DEI was designed to improve educational, training and employment opportunities and outcomes of youth and adults with disabilities who are unemployed, underemployed and/or receiving Social Security Disability Income (SSDI), by refining and expanding already identified successful public workforce strategies; improving coordination and collaboration among employment and training and asset development programs implemented at state and local levels, including the expansion of the public workforce investment system's capacity to serve as Ticket to Work (TTW) Employment Networks (ENs) under the Social Security Administration's (SSA) TTW Program; and build effective community partnerships that leverage public and private resources to better serve individuals with disabilities and improve employment outcomes.

Thirty-one grants in Rounds 1–4 were awarded from September 2010 to September 2014 to state government agencies which distributed the funds to their local workforce investment areas' (LWIAs) American Job Centers (AJCs) to implement these activities. In 2014, ETA and ODEP provided $14,837,785 to six Round 5 grantees. Round 6 grantees were awarded cooperative agreements in October 2015. Since 2010, the Department of Labor has awarded over $95 million in grants to state workforce agencies. DEI Rounds 1–4 focused on the implementation of strategic service delivery strategies including integrated resource teams, blending and braiding of resources, use of the Guideposts for Success (youth grantees only), customized employment, self-employment and asset development strategies. R5FR will add career pathways to the DEI service package.

The DEI R5FR impact study will use two distinct quasi-experimental design (QED) study designs to determine the impact of DEI interventions on participant outcomes. The first study design is a matched comparison group design, with the treatment and comparison conditions established at the LWIA level. The second design will match similar participants *within* the Round 5 grantee treatment LWIAs, with the only primary difference being enrollment in the career pathways component versus enrollment in other programs and services. The implementation study will examine the context in which each grant is being implemented; grantee customer characteristics; implementation of the DEI requirements; what the grantee's DEI strategies are; program implementation challenges; and systems change.

This **Federal Register** Notice provides the opportunity to comment on three proposed data collection instruments that will be used in the DEI evaluation:

(1) Site visit/interviews protocols. Site visits will occur at three points in time and will collect information on the current status at baseline and change in grantees' workforce development system at follow-up; grantee customer characteristics; implementation of the grant requirements and strategies; program implementation challenges; and system change.

(2) Participant tracking system. For the purposes of tracking individual DEI Round 5 participants and collecting information that is not collected by Workforce Investment Act Standardized Record Data (WIASRD) or Wagner-Peyser (W–P), a Participant Tracking System (PTS) that is independent of the WIASRD and W–P systems will be used. The PTS will provide DEI customer tracking information from participating

AJCs, such as participation in specific DEI Round 5 service delivery strategies. It will also allow for the identification of the DEI participants from each state and LWIA. Additionally, it will provide a way for DEI grantees to collect information without modifying their existing WIASRD or W–P systems.

(3) Survey on Disability Type, Activities of Daily Living and Selected Outcomes Related to Career Pathways will provide a descriptive picture of the range of disabilities that participants disclose, but will also provide a more accurate match across treatment and comparison groups in both impact analyses in terms of disability type and severity. It will also provide more accurate information on outcomes, particularly on academic outcomes that are currently difficult to access through existing administrative databases.

II. Review Focus

Currently, DOL is soliciting comments concerning the above data collection for the evaluation of DEI R5FR. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary for the proper performance functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's burden estimate of the proposed information collection, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (for example, permitting electronic submissions of responses).

III. Current Actions

Agency: Department of Labor, Office of Disability Employment Policy.

Title: Evaluation of the Disability Employment Initiative Round 5 and Future Rounds.

Annual Site Visits

Total Respondents: Approximately 444. On-site or telephone interviews will be conducted with the DEI state lead, DRC, WIB directors, AJC managers, AJC staff members, and agency partners and employers. A site visit to one comparison LWIA and AJC in close proximity to each treatment LWIA will also be conducted. In treatment and comparison LWIAs, approximately eight to ten AJC DEI participants will be asked to participate in a customer focus group.

Frequency: Site visits will occur in the first, second year and third years to collect baseline (year 1), mid-term (year 2) and follow-up (year 3) data.

Average Time per Response: Partners and employers from small entities will participate in interviews that are 45 minutes in duration. All other interviews will be 60 minutes in duration.

Estimated Total Burden Hours: The cumulative hours of burden due to the site visits to DEI grantees for the entire project period is 1,143.

ESTIMATED HOURS OF BURDEN DUE TO SITE VISITS

State	California	Kansas	Illinois	Massachusets	Minnesota	South Dakota	Total
DEI State Lead							
# of Res	1	1	1	1	1	1	6
Hrs/Res	2	2	2	2	2	2	12
DRC							
# of Res	5	4	4	4	2	2	21
Hrs/Res	2	2	2	2	2	2	12
AJC Staff							
# of Res	15	16	10	14	14	6	75
Hrs/Res	.5	.5	.5	.5	.5	.5	3
Parents & Employers							
# of Res	4	4	4	4	4	4	24
Hrs/Res	.75	.75	.75	.75	.75	.75	4.5
WIB Director							
# of Res	6	6	4	6	6	2	30
Hrs/Res	1	1	1	1	1	1	6
Focus Groups							
# of Res	48	48	48	48	48	48	288
Hrs/Res	1.5	1.5	1.5	1.5	1.5	1.5	9
Total Hours	100.5	99	94	98	94	86	571.5
Cumulative Total Hours	201	198	188	196	188	172	1143

Participant Tracking System

Frequency: Two times for treatment group customers and staff.

Total Responses: 2050 respondents.

Average Time per Response: 4.8 minutes for Participant Tracking System and 7.4 minutes for Survey of Disability Type, Activities of Daily Living and Selected Outcomes.

Estimated Total Burden Hours: 658.75 hours.

Survey of Disability Type, Activities of Daily Living and Selected Outcomes

Frequency: The survey will be administered on a quarterly basis (four times a year).

Total Responses: 2,050 respondents.

Average Time per Response: 7.4 minutes.

Estimated Total Burden Hours: 505.65 hours.

ESTIMATED TOTAL BURDEN HOURS DUE TO THE PARTICIPANT TRACKING SYSTEM AND SURVEY OF DISABILITY TYPE, ACTIVITIES OF DAILY LIVING AND SELECTED OUTCOMES

State	Number of respondents	Average burden time per response (minutes)	Total burden hours per year	Total burden hours
Participant Tracking System				
California	620	4.82	100	199.23
Kansas	260	4.82	42	83.55
Illinois	515	4.82	83	165.49
Massachusetts	305	4.82	49	98.01
Minnesota	275	4.82	44	88.37
South Dakota	75	4.82	12	24.10
Survey of Disability Type, Activities, of Daily Living and Selected Outcomes				
California	620	7.40	76	152.93
Kansas	260	7.40	32	64.13
Illinois	515	7.40	64	127.03
Massachusetts	305	7.40	38	75.23
Minnesota	275	7.40	34	67.83
South Dakota	75	7.40	9	18.50
Total	2050	.....	582	1164.4

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: January 5, 2016.

Jennifer Sheehy,

Deputy Assistant Secretary, Office of Disability Employment Policy, U.S. Department of Labor.

[FR Doc. 2016–00460 Filed 1–11–16; 8:45 am]

BILLING CODE 4510–FK–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Sunshine Act Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Notice of meeting.

SUMMARY: The National Museum and Library Services Board, which advises the Director of the Institute of Museum and Library Services in awarding national awards and medals, will meet by teleconference on February 18, 2016, to review nominations for the 2016 National Medal for Museum and Library Service.

DATE AND TIME: Thursday, February 18, 2016, at 1 p.m. EST.

PLACE: The meeting will be held by teleconference originating at the Institute of Museum and Library Services. 1800 M Street NW., 9th Floor, Washington, DC 20036. Telephone: (202) 653–4676.

STATUS: Closed. The meeting will be closed pursuant to subsections (c)(4) and (c)(9) of section 552b of Title 5, United States Code because the Board will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Program Specialist, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington, DC 20036. Telephone: (202) 653–4798.

Signed: January 6, 2016.

Andrew Christopher,

Associate General Counsel.

[FR Doc. 2016–00519 Filed 1–8–16; 4:15 pm]

BILLING CODE 7036–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Meeting: February 17, 2016—The U.S. Nuclear Waste Technical Review Board Will Meet To Discuss DOE Research on Storage and Transportation of High Burnup Spent Fuel

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, and in accordance with its mandate to review the technical and scientific validity of U.S. Department of Energy (DOE) activities related to implementing the Nuclear Waste Policy Act of 1982 (NWPA), the U.S. Nuclear Waste Technical Review Board will meet in Knoxville, Tennessee, on February 17, 2016, to review DOE activities related to extended storage and transportation of high burnup spent nuclear fuel (HBF). The focus of the meeting will be DOE research related to determining the performance and potential degradation of HBF during storage and transportation, including storage at a nuclear utility site and subsequent transportation to a geologic repository, as well as the potential effects of a second period of extended storage, possibly at an interim storage site, followed by transportation to a geologic repository.

The Nuclear Waste Policy Amendments Act (NWPAA) of 1987 charges the Board with performing an ongoing and independent evaluation of the technical and scientific validity of

DOE activities related to the disposition of spent nuclear fuel (SNF) and high-level radioactive waste (HLW).

The meeting will be held at the Knoxville Marriott, 501 E. Hill Avenue, Knoxville, TN 37915; Tel. 865–637–1234; Fax 865–637–1193. A block of rooms has been reserved for meeting attendees at a group rate of $119.95 per night, single/double occupancy. Reservations may be made online at: *http://www.marriott.com/meeting-event-hotels/group-corporate-travel/groupCorp.mi?resLinkData=Nuclear%20Waste%20Technical%20Review%20Board%5Etysmc%60nwtnwta%60119.95%60USD%60false%604%602/15/16%602/19/16%601/29/16&app=resvlink&stop_mobi=yes* or by calling (800) 228–9290. To receive the meeting rate, room reservations must be made by Friday, January 29, 2016.

The meeting will begin at 8:00 a.m. on Wednesday, February 17, 2016, and is scheduled to adjourn at 5:15 p.m. Among the topics that will be discussed by DOE representatives and contractors at the meeting are:

- DOE research to determine the performance of HBF during transportation, including vibration testing at Oak Ridge National Laboratory and both instrumented road testing and shaker-table testing being performed by Sandia National Laboratories. Discussion will focus on how the three studies complement each other to support understanding and modeling of the performance of HBF during transportation.
- Performance of HBF under transportation accident conditions, including an evaluation of the outcome of the American Society for Testing and Materials workshop held in August 2014 on hydride reorientation and an update on the results of research by Argonne National Laboratory related to determining the ductile-to-brittle transition temperature of HBF cladding.
- Status of the Cask Demonstration Program investigating the degradation of HBF and dry cask storage systems during extended dry storage. Data to be obtained from examination of sister rods removed from the HBF loaded into the demonstration cask and the effectiveness of the drying procedure will be discussed.

A detailed meeting agenda will be available on the Board's Web site at *www.nwtrb.gov* approximately one week before the meeting. The agenda may also be requested by email or telephone at that time from Davonya Barnes of the Board's staff.

The meeting will be open to the public. Opportunities for public comment will be provided before the lunch break and at the end of the day. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. Depending on the number of people who sign up to speak, it may be necessary to set a time limit on individual remarks. However, written comments of any length may be submitted. All comments received in writing will be included in the record of the meeting posted on the Board's Web site. The meeting will also be webcast at: *https://www.webcaster4.com/Webcast/Page/909/12650.*

Transcripts of the meeting will be available on the Board's Web site no later than March 5, 2016. Copies of the transcripts will also be available by electronic transmission, on computer disk, or in paper format, and may be requested from Davonya Barnes.

The Board was established in the NWPAA as an independent federal agency in the Executive Branch to review the technical and scientific validity of DOE activities related to implementing the Nuclear Waste Policy Act and to provide objective expert advice to Congress and the Secretary of Energy on technical and scientific issues related to SNF and HLW management and disposal. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. All Board reports, correspondence, congressional testimony, and meeting transcripts and related materials are posted on the Board's Web site.

For information on the meeting agenda, contact Dr. Robert Einziger: *einziger@nwtrb.gov* or Karyn Severson: *severson@nwtrb.gov.* For information on lodging or logistics, contact Eva Moore: *moore@nwtrb.gov.* To request copies of the meeting agenda or the transcript, contact Davonya Barnes: *barnes@nwtrb.gov.* All four can be reached by mail at 2300 Clarendon Boulevard, Suite 1300, Arlington, VA 22201–3367; by telephone at 703–235–4473; or by fax at 703–235–4495.

Dated: January 6, 2016.

Nigel Mote,

Executive Director, U.S. Nuclear Waste Technical Review Board.

[FR Doc. 2016–00342 Filed 1–11–16; 8:45 am]

BILLING CODE P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act: OPIC Annual Public Hearing

TIME AND DATE: 1 p.m., Wednesday, March 9, 2016.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 1 p.m.

MATTERS TO BE CONSIDERED: Purpose: Annual Public Hearing to afford an opportunity for any person to present views regarding the activities of the Corporation.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Catherine F.I. Andrade at (202) 336–8768, or via email at *catherine.andrade@opic.gov.*

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency that provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects that confer positive developmental benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(c) of the Foreign Assistance Act of 1961, as amended (the ''Act'') to hold at least one public hearing each year.

Procedures

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Friday, February 26, 2016. The notice must include the individual's name, title, organization, address, email, telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Friday, February 26, 2016. Such statement must be typewritten, double-spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time

allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Dated: January 8, 2016.

Catherine F.I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2016–00530 Filed 1–8–16; 4:15 pm]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–79; Order No. 2994]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification to a Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 13, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On January 5, 2016, the Postal Service filed notice that it has agreed to a modification to the existing Global Expedited Package Services 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the modification and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted modification and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.* at 1–2.

The modification revises Article 15 (concerning postage updates) and replaces Annex 1 of the agreement. *Id.* at 1. The Postal Service intends to notify the customer of the effective date of the modification within 30 days after the Commission completes its review. *Id.*

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than January 13, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2014–79 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Curtis E. Kidd to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than January 13, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–00382 Filed 1–11–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing Modification to Global Expedited Package Services 3 Negotiated Service Agreement, January 5, 2016 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76840; File No. SR–FICC–2015–005]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Government Securities Division Fee Schedule

January 6, 2016.

Pursuant to section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'') and Rule 19b–4[2] thereunder, notice is hereby given that on December 30, 2015, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FICC. FICC filed the proposed rule change pursuant to section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(2)[4] thereunder. The proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Fee Schedule in the Government Securities Division (''GSD'') Rulebook[5] (the ''GSD Rules''). The fee changes will be effective as of January 1, 2016.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] The GSD Rulebook is available at *http://www.dtcc.com/legal/rules-and-procedures.*

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FICC is modifying the GSD fee structure to (1) change the fees for the existing services that GSD provides to its Members [6] and (2) permit the pass-through of new and existing fees imposed on FICC by its clearing banks and the Federal Reserve's Fedwire Service (''Fedwire®'') (collectively, ''third party'') with respect to the services that FICC provides to its Members.

A. Describe the Reasons for Adopting the Proposed Rule Change

Based on the revenue that GSD generated in 2015, GSD requires fee modifications in order to meet the budgeted expenses associated with providing its services to Members. Thus, FICC is adopting the proposed rule changes in order to ensure that FICC can achieve and maintain GSD's operating margin.

B. Describe Any Problems the Proposed Rule Change Is Intended To Address

GSD's ability to achieve its operating margin has been negatively impacted by (i) a decline in the dollar values of transactions; (ii) increased infrastructure costs; (iii) increased risk management costs and (iv) increased third party fees, which GSD has historically absorbed. In addition, GSD also anticipates that the clearing banks will impose new fees for the services that FICC provides to its Members.

C. Describe the Manner in Which the Proposed Rule Change Will Operate To Resolve Those Problems

The proposed fee modifications to GSD's services and the pass through of existing and new third party fees are expected to aide FICC's ability to achieve and maintain its operating margin because all of the fees will be aligned to FICC's cost of delivering its services to Members.

D. Describe the Manner in Which the Proposed Rule Change Will Affect Various Persons (*e.g.,* Brokers, Dealers, Issuers, and Investors)

The proposed rule changes will establish different trade submission and netting fee structures for Broker Accounts and Dealer Accounts because Members who utilize each of these accounts represent two different types of functions that are performed in the market served by the GSD. The Broker Accounts provide the marketplace with the blind-brokered screens through which Dealer Accounts are matched as counterparties (on a blind basis) to the transactions that are submitted to GSD. The Broker Accounts submit two sets of transaction details for every one set that the Dealer Account submits; for example, if Broker A matches Dealer A and Dealer B in a transaction to be submitted to the GSD, each Dealer will submit one transaction as between the Dealer Account and the Broker Account. However, Broker A will submit two transactions, one between the Broker and Dealer A and one between the Broker and Dealer B. The Broker Account will net out for purposes of GSD's processing of the transaction. However, as the trade submission and netting fees are currently structured, the Broker pays for the two sets of transactions (as opposed to the one set paid by the Dealer Account). FICC is proposing to recognize this difference between the Broker Accounts and the Dealer Accounts by charging the Broker Accounts less with respect to the trade submission and netting fees. This approach is consistent with the way in which GSD currently applies its Repo Transaction Processing Fee which is contained in Section III.E of the GSD Fee Structure; specifically, GSD charges Repo Brokers less than other Netting Members. FICC's pass-through of fees imposed on FICC by third parties will affect all Members based on their activity.

E. Describe Any Significant Problems Known to the Self-Regulatory Organization That Persons Affected Are Likely To Have in Complying With the Proposed Rule Change

FICC is not aware of any significant problems that the affected Members are likely to have in complying with the proposed rule changes.

F. The Proposed Rule Changes Are Described Below

(1) Trade Submission

Currently, the comparison fees for trade submissions are structured to reflect a uniform fee structure based on a Member's total monthly volume. FICC is proposing to change this approach to a structure whereby each incremental number of trades is charged a different price based on tiers with declining marginal rates. In addition, GSD is proposing to establish different fees for Dealer Accounts and Broker Accounts.

(2) Locked-In Trade Data

In connection with the charge to Members for data received by FICC from a Locked-In Trade Source,[7] FICC is proposing to eliminate the existing fee for the processing and reporting of this data and instead charge Members in accordance with the proposed trade submission schedule in the GSD Rules.

In connection with the charge to non-Inter-Dealer Broker Netting Members [8] for FICC's processing and reporting of GCF Repo® Transactions,[9] FICC is proposing to increase the amount of the onetime recording fee.

(3) Netting Fee

(a) For each side of a Compared Trade, Start Leg of a Repo Transaction, Close Leg of a Repo Transaction, Fail Deliver Obligation and Fail Receive Obligation, other than a GCF Repo Transaction, that is netted, the fee structure is currently based on a Member's total monthly number of sides.[10] FICC is proposing to change this

[6] The term ''Member'' means a comparison-only member or a Netting Member. The term ''Member'' shall include a sponsoring member in its capacity as a sponsoring member and a sponsored member, each to the extent specified in Rule 3A. GSD Rule 1, Definitions.

[7] Pursuant to the GSD Rules, the term ''Locked-In Trade Source'' means a source of data on locked-in trades that the Corporation has so designated, subject to such terms and conditions as to which the Locked-In Trade Source and the Corporation may agree. GSD Rule 1, Definitions.

[8] Pursuant to the GSD Rules, the term ''Inter-Dealer Broker Netting Member'' has the meaning set forth in Section 2 of GSD Rule 2A. GSD Rule 1, Definitions.

[9] Pursuant to the GSD Rules, the term ''GCF Repo Transaction'' means a Repo Transaction involving Generic CUSIP Numbers the data on which are submitted to the Corporation on a locked-in-trade basis pursuant to the provisions of GSD Rule 6C, for netting and settlement by the Corporation pursuant to the provisions of GSD Rule 20. GSD Rule 1, Definitions.

[10] Pursuant to the GSD Rules, the terms used in the referenced clause are defined below. GSD Rule 1, Definitions.

The term ''Compared Trade'' means a trade, including a Repo Transaction, the data on which has been compared or deemed compared in the Comparison System pursuant to the GSD Rules, as the result of any one of the following methods: (1) Bilateral comparison, which requires the matching by the Corporation of data submitted by two Members, (2) demand comparison, which requires that data to be submitted to the Corporation by a demand trade source, or (3) locked-in comparison, which requires the data to be submitted to the Corporation by a locked-in trade source.

The term ''Close Leg'' means, as regards a Repo Transaction other than a GCF Repo Transaction, the concluding settlement aspects of the transaction, involving the retransfer of the underlying eligible netting securities by the Netting Member that is, or is submitting data on behalf of, the funds lender (if netting eligible, through satisfaction of the applicable Deliver Obligation generated by the Corporation) and the taking back of such eligible securities by the Netting Member that is, or is submitting data on behalf of, the funds borrower (if netting eligible, through satisfaction of the applicable Receive Obligation generated by the Corporation). The term ''Close Leg'' means, as regards a GCF Repo Transaction, the concluding settlement aspects of the transaction, involving the retransfer of the underlying eligible netting

Continued

approach to a structure whereby each incremental number of sides is charged a different price based on tiers with declining marginal rates. In addition, GSD is proposing to establish different fees for Dealer Accounts and Broker Accounts.

(b) For each one million par of a Compared Trade, Start Leg of a Repo Transaction, Close Leg of a Repo Transaction, Fail Deliver Obligation and Fail Receive Obligation, other than a GCF Repo Transaction, the existing fee will be applicable to Broker Accounts and a new fee will be established for Dealer Accounts.

(c) For each one million par of Deliver Obligation [11] and Receive Obligation [12] created as a result of the netting process, fees will be increased.

(4) Auction Takedown Process

In connection with the auction takedown Service, FICC is proposing to eliminate the existing fee for locked-in trades and charge Members in accordance with the proposed trade submission schedule in the GSD Rules.

(5) Clearance Charges

Currently, FICC charges a flat standard charge of $2.35, a portion of which is used to cover the settlement fees of its Deliver Obligations and Receive Obligations. These fees consist of the clearing banks' fees and the Federal Reserve's Fedwire® fees that are incurred by FICC for the services that it provides to Members related to settling obligations at the clearing banks. At the time of this rule filing, the fees are as follows:

1. Fees for the settlement of each Receive Obligation and each Deliver Obligation in the actual amount charged by the applicable clearing bank.

2. Fedwire® fee for the settlement of each treasury security in an amount of $0.92 and for the settlement of each agency security in an amount of $0.65.

FICC is proposing to reduce the amount of this flat charge, which is currently $2.35 and bill Netting Members as a separate item on their billing statement for the applicable clearing bank fees and Fedwire® fees listed above. In addition, FICC will pass-through to Netting Members, new fees that will be imposed by the clearing banks on FICC as well as other existing fees that the clearing banks have imposed on FICC but which FICC has not historically passed through to its Netting Members.

These fees are as follows:

1. The Bank of New York Mellon (''BNY'') fee of 1 basis point (1bp) per annum on each GCF Repo Deliver Obligation that FICC creates from its BNY account, inclusive of inter-bank.[13]

This fee will be allocated to Dealer Accounts at BNY and to Dealer Accounts at JPMorgan Chase (''JPM''), as follows:

a. For Dealer Accounts at BNY, a pass-through fee is calculated as 1bp per annum on a dollar amount of such Netting Member's [14] GCF Repo Receive Obligation from FICC in each Generic CUSIP Number.[15]

b. For Dealer Accounts at JPM, a pass-through charge is calculated as 1bp per annum on a prorated dollar amount of FICC's interbank GCF Repo Deliver Obligation from BNY to JPM in each Generic CUSIP Number. The proration is calculated as follows:

(Dollar amount of such Netting Member's GCF Repo Receive Obligation in a given Generic CUSIP Number at JPM)

(Aggregate dollar amount of all GCF Repo Receive Obligations in a given Generic CUSIP Number for all Netting Members at JPM)

2. BNY fees for daylight over drafts for FICC's interbank GCF Repo Deliver Obligations.

This pass-through fee will be charged to Dealer Accounts at BNY and will be calculated on a percentage of the total of all such costs incurred by FICC. This percentage is calculated on a monthly basis as follows:

(Total dollar value of GCF Repo Deliver Obligations of such Dealer Account at BNY)

(Total dollar value of GCF Repo Deliver Obligations of all Dealer Accounts at BNY)

3. BNY fees for daylight over drafts on securities settlement obligations. This pass-through fee will be charged to Dealer Accounts at BNY and will be calculated on a percentage of the total of all such costs incurred by FICC. This percentage is calculated on a monthly basis as follows:

(Total dollar value of Deliver and Receive Obligations of each Netting Member at BNY)

(Total dollar value of Deliver and Receive Obligations in all Dealer Accounts at BNY)

FICC will inform Members via Important Notice if there are any changes to the referenced fees and charges imposed by the clearing banks and/or Fedwire.

securities by the Netting Member that is in the GCF net funds lender position and the taking back of such eligible netting securities by the Netting Member that is in the GCF net funds borrower position.

The term ''Fail Deliver Obligation'' means a Deliver Obligation with respect to a fail net short position.

The term ''Fail Receive Obligation'' means a Receive Obligation with respect to a fail net long position.

The term ''Repo Transaction'' means: (1) An agreement of a party to transfer eligible securities to another party in exchange for the receipt of cash, and the simultaneous agreement of the former party to later take back the same eligible securities (or any subsequently substituted eligible securities) from the latter party in exchange for the payment of cash, or (2) an agreement of a party to take in eligible securities from another party in exchange for the payment of cash, and the simultaneous agreement of the former party to later transfer back the same eligible securities (or any subsequently substituted eligible securities) to the latter party in exchange for the receipt of cash, as the context may indicate, the data on which have been submitted to the Corporation pursuant to the GSD Rules. A ''Repo Transaction'' includes a GCF Repo Transaction, unless the context indicates otherwise.

The term ''Start Leg'' means, as regards a Repo Transaction other than a GCF Repo Transaction, the initial settlement aspects of the Transaction, involving the transfer of the underlying eligible netting securities by the Netting Member that is, or is submitting data on behalf of, the funds borrower (through satisfaction of the applicable Deliver Obligation generated by the Corporation) and the taking in of such eligible securities by the Netting Member that is, or is submitting data on behalf of, the funds lender (if netting eligible, through satisfaction of the applicable Receive Obligation generated by the Corporation). The term ''Start Leg'' means, as regards a GCF Repo Transaction, the initial settlement aspects of the Transaction, involving the transfer of the underlying eligible netting securities by the Netting Member that is in the GCF net funds borrower position and the taking in of such eligible netting securities by the Netting Member that is in the GCF net funds lender position.

[11] The term ''Deliver Obligation'' means a Netting Member's obligation to deliver eligible netting securities to the Corporation at the appropriate settlement value either in satisfaction of all or a part of a Net Short Position or to implement a collateral substitution in connection with a Repo Transaction with a right of substitution. GSD Rule 1, Definitions.

[12] The term ''Receive Obligation'' means a Netting Member's obligation to receive eligible netting securities from the Corporation at the appropriate settlement value either in satisfaction of all or a part of a Net Long Position or to implement a collateral substitution in connection with a Repo Transaction with a right of substitution. GSD Rule 1, Definitions.

[13] This is a new fee that BNY intends to charge as of January 1, 2016.

[14] The term ''Netting Member'' means a Member that is a Member of the Comparison System and the Netting System. GSD Rule 1, Definitions.

[15] The term ''Generic CUSIP Number'' means a Committee on Uniform Securities Identification Procedures identifying number established for a category of securities, as opposed to a specific security. The Corporation shall use separate Generic CUSIP Numbers for general collateral Repo Transactions and GCF Repo Transactions. GSD Rule 1, Definitions.

(6) Repo Transaction Processing Fee

FICC is proposing to increase certain fees for its processing of Repo Transactions.

The above-referenced modifications to GSD's fees are noted below.

TRADE SUBMISSION SCHEDULE

Current breakpoint schedule (Charge is applied to all submissions if breakpoint is reached)	Current charge per submission for all netting members	Proposed tiered schedule (Charge is applied to all submissions within tier)	Proposed fee per submission	
			Dealer account	Broker account
Per submission for total monthly submissions up to 49,999.	$0.250	Per submission for the initial 49,999 submissions per month.	$0.270	$0.250
Per submission for total monthly submissions between 50,000 to 99,999.	0.200	Per submission for those submissions between 50,000 to 99,999 submissions per month.	0.190	0.150
Per submission for total monthly submissions between 100,000 to 249,999.	0.150	Per submission for those submissions between 100,000 to 249,999 submissions per month.	0.140	0.100
Per submission for total monthly submissions between 250,000 to 399,999.	0.125	Per submission for those submissions between 250,000 to 399,999 submissions per month.	0.100	0.075
Per submission for total monthly submissions between 400,000 to 499,999.	0.100	Per submission for those submissions between 400,000 to 499,999 submissions per month.	0.080	0.035
Per submission for total monthly submissions between 500,000 and 999,999.	0.085	Per submission for those submissions between 500,000 to 999,999 submissions per month.	0.010	0.025
Per submission for total monthly submissions 1M and greater.	0.085	Per submission for those submissions at 1M or greater submissions per month.	0.010	0.010

LOCKED–IN TRADE DATA

Fee description	Current fee	Proposed fee
Non-GCF Repo trade processing from Locked-In Trade Data Source.	$0.16/M	In accordance with the trade submission fee schedule.
GCF Repo trade comparison for non-Inter Dealer Broker Netting Members.	0.05/M	$0.07/M.

NETTING FEES SCHEDULE

Current breakpoint schedule (Charge is applied to all sides if breakpoint is reached)	Current charge per side for all netting members	Proposed tiered schedule (Charge is applied to all sides within tier)	Proposed fee per side	
			Dealer account	Broker account
Per side for total monthly sides up to 49,999	$0.150	Per side for the initial 49,999 sides per month.	$0.170	$0.150
Per side for total monthly sides between 50,000 to 99,999.	0.125	Per side for those sides between 50,000 to 99,999 sides per month.	0.120	0.110
Per side for total monthly sides between 100,000 to 249,999.	0.125	Per side for those sides between 100,000 to 249,999 sides per month.	0.100	0.090
Per side for total monthly sides between 250,000 to 399,999.	0.100	Per side for those sides between 250,000 to 399,999 sides per month.	0.070	0.040
Per side for total monthly sides between 400,000 to 499,999.	0.050	Per side for those sides between 400,000 to 499,999 sides per month.	0.040	0.025
Per side for total monthly sides between 500,000 and 999,999.	0.050	Per side for those sides between 500,000 to 999,999 sides per month.	0.030	0.010
Per side for total monthly sides 1M and greater.	0.035	Per side for those sides at 1M or greater sides per month.	0.010	0.010

Fee description	Current fee	Proposed fee
Into-the-net par per month—Dealer Account	$0.015/M	$0.016/M
Clearance (out-of-the-net) par per month	0.17/M	0.175/M
Auction takedown processing	0.50/50M	In accordance with the trade submission fee schedule.
Clearance (out-of-the-net) items per month	2.35/obligation	0.25/obligation
Clearance (non-GSD) items per month	2.35/obligation	0.25/obligation
DVP Repo Transaction Processing Fees (cost of carry):		

Fee description	Current fee	Proposed fee
Fee for gross dollar amount		
Other Netting Members and Repo Brokers with respect to their non-brokered transactions.	0.025bps	0.04bps
Fee for net dollar amount	0.060bps	0.08bps
GCF Repo Processing Fees (cost of carry):		
Fee for gross dollar amount		
Netting Members that are not Repo Brokers	0.025bps	0.04bps
Fee for net dollar amount	0.060bps	0.08bps

2. Statutory Basis

FICC believes that the proposed fees are reasonable because the fees are correlated to each Member's use of GSD's services and will allow FICC to recover the cost of providing its services to Members. In addition, the proposed change will allow FICC to further recover the cost of providing its services to its Members by passing through certain third-party fees that FICC is incurring and/or will be incurring to provide its services to its Members. Therefore, FICC believes the proposed rule change is consistent with the requirements of the Act, as amended and the rules and regulations thereunder applicable to FICC, in particular section 17A(b)(3)(D) of the Act,[16] which requires that the GSD Rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members that use those services.

(B) Clearing Agency's Statement on Burden on Competition

The proposed filing could have an impact on competition based on the fact that fees will increase for certain services, but because of the following reasons, FICC believes that any burden on competition would be necessary and appropriate in furtherance of the purposes of the Act. These reasons are as follows: The proposed change modifies the fees for existing services provided by GSD in order to meet GSD's budgeted expenses and allow GSD to achieve and maintain its operating margin and recover the cost of providing its services. The proposed change also allows FICC to recover the cost of providing its services to Members by passing through certain third-party fees that FICC is incurring and/or will be incurring to provide its services to its Members. Finally, the proposed change also establishes different comparison and netting fee structures for Brokers Accounts and Dealer Accounts for the reasons more fully described above.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

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)[17] of the Act and Rule 19b–4(f)(2)[18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FICC–2015–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FICC–2015–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FICC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–FICC–2015–005 and should be submitted on or before February 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00335 Filed 1–11–16; 8:45 am]

BILLING CODE 8011–01–P

[16] 5 U.S.C. 78q–1(b)(3)(D).

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

[19] 17 CFR 200.30–3(a)(12).

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, January 14, 2016 at 2 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), (a)(5), (a)(7), (a)(9)(ii), and (a)(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: January 7, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–00494 Filed 1–8–16; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76842; File No. SR–CBOE–2015–117)

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule To Amend the Fees Schedule

January 6, 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 December 23, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule, effective December 23, 2015. Specifically, the Exchange proposes to waive transaction fees incurred as a result of transactions that compress or reduce certain Clearing Trading Permit Holder (''TPH'') open positions.

By way of background, SEC Rule 15C3–1 [sic], Net Capital Requirements for Brokers or Dealers (''Net Capital Rules''), requires that every registered broker-dealer maintain certain specified minimum levels of capital. The primary purpose of these rules is to regulate the ability of broker-dealers to meet their financial obligations to customers and other creditors. All of the broker-dealers that are clearing members of the Options Clearing Corporation (''OCC'') are subject to the Net Capital Rules. However, a subset of OCC's clearing members are subsidiaries of U.S. bank holding companies. As such, these broker-dealers, through their affiliation with their parent U.S. bank holding companies, must comply with bank regulatory capital requirements pursuant to rule-making required under the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank''). New rule-making recently enacted under Dodd-Frank will require U.S. bank holding companies to hold substantially more bank regulatory capital than would otherwise be required under the Net Capital Rules. The Exchange is aware that, due to the large contract size of S&P 500 Index (''SPX'') options, open interest in certain series will result in extremely large bank regulatory capital requirements but have minimal requirements under the Net Capital Rules. Transactions that would result in the closing of this open interest would have a beneficial impact on the bank regulatory capital requirements of the Clearing TPH's parent company with a minimal impact on regulatory capital required under the capital rules. The Exchange notes that most of these open positions are in out-of-the-money options and certain spread positions that are essentially riskless strategies because they have little or no market exposure. Particularly, the Exchange notes that given the nature of these options, there is minimal chance for large losses to occur, yet these positions will still be subject to large bank regulatory capital requirements. Exchange transaction fees, however, discourage market participants from closing these positions out even though those market participants may also prefer to close them rather than carry them to expiration.[3]

In order to encourage the compression of certain out-of-the-money and riskless option positions, the Exchange proposes to rebate all transactions fees for transactions that close these positions, provided they meet certain criteria, as described more fully below. The Exchange believes compression of these positions would improve market liquidity by freeing capital currently tied up in positions for which there is a minimal chance that a significant loss would occur.

The Exchange proposes to limit rebating transaction fees to those transactions that the Exchange believes would have the greatest impact on bank regulatory capital requirements but are also constrained to those positions that have little economic risk associated with them. Specifically, to be eligible for a rebate, a transaction must be: (i) For a complex order with at least five

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For example, an out-of-the-money SPX option market-maker transaction may be worth only a few pennies per contract, but would cost approximately $0.33 per contract ($0.20 transaction fee plus $0.13 SPX Index License Surcharge) to close out.

(5) different series in S&P 500 Index (SPX) options, SPX Weeklys (SPXW) options or p.m.-settled SPX options (SPXPM), (ii) a closing-only transaction or, if the transaction involves a Firm order (origin code ''F''), an opening transaction executed to facilitate a compression of option positions for a market-maker or joint-back office (''JBO'') account; (iii) for a position with a required capital charge equal to the minimum capital charge under OCC rules RBH Calculator [4] or a position comprised of option series with a delta of ten (10) or less and (iv) entered between the first business day following a quarterly expiration through the last business day of that quarter.[5] The Exchange notes that while Clearing TPHs may request that their clients holding the out-of-the-money and riskless positions permit the Clearing TPHs to attempt to close these positions out, firms are not required to do so (*i.e.*, these transactions are voluntary and within the discretion of the Clearing TPHs' clients). The Exchange also proposes to provide that to obtain a rebate,[6] a TPH must request the rebate with supporting documentation within three (3) days of the transactions.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes providing a rebate of fees for transactions that compress certain out-of-the-money and riskless options positions is reasonable, equitable and not unfairly discriminatory because these positions will result in extremely large bank regulatory capital requirements for Clearing TPHs even though there is minimal chance for large losses to occur. Additionally, these positions have little or no economic benefit to the TPHs that hold the positions, who would likely prefer to close them but for the associated transaction fees. The fee rebate would therefore allow TPHs to close out of these positions that are needlessly burdensome on themselves and Clearing TPHs.

The Exchange believes it is reasonable and not unfairly discriminatory to limit the rebate to transactions that are done to close a position with (i) a required capital charge equal to the minimum capital charge under OCC's RBH Calculator or (ii) option series with a delta of ten (10) or less, because this criteria identifies option positions that are truly out-of-the-money or spread positions that are essentially riskless strategies. Particularly, the Exchange notes theoretically riskless positions can be identified when the required capital charge equals the minimum capital charge under OCC's RBH Calculator. Transactions comprised of option series with a delta of no greater than 10 would indicate that an option position is by definition out-of-the-money. For the reasons discussed above, the Exchange wishes to limit the fee rebate to these types of transactions.

The Exchange believes it's reasonable, equitable and not unfairly discriminatory to limit the rebate to SPX options (including SPXW and SPXPM) because SPX has a substantially higher notional value than other options classes. As such, open interest in SPX has a much greater effect on a bank's regulatory capital requirements. Compressing out-of-the-money and riskless SPX option positions therefore has a greater impact on reducing a bank regulatory capital requirement.

The Exchange believes it's reasonable, equitable and not unfairly discriminatory to limit the rebate to complex orders that involve 5 different series of SPX because the Exchange believes transactions with 5 legs or more would have the most material impact on a bank's regulatory capital requirements.

The Exchange believes it's reasonable to limit the rebate of transaction fees to closing-only transactions (other than Firm ''F'' orders). Particularly, if a transaction were to open interest, it would defeat the purpose of the proposed rebate, which is to encourage the closing of positions that are creating high bank regulatory capital requirements for positions that are of low economic benefit and risk and could otherwise be offset. The Exchange believes it's equitable and not unfairly discriminatory to allow Firm (''F'') orders to result in opening transactions because, in these instances, the Firm would be facilitating the closing out of these positions for their clients. The Exchange notes that it already waives transaction fees for facilitation orders in all products other than those listed in Underlying Symbol List A.[10]

The Exchange believes it's reasonable, equitable and not unfairly discriminatory to limit the rebate to

[4] Under OCC rules, the required capital charge is equal to either the minimum capital charge or an amount equal to the largest potential loss pursuant to OCC's Risk-Based Haircut (''RBH'') calculator. The RBH methodology may be used to calculate theoretically based capital charges as set forth within the SEC net capital rule *http://apps.theocc.com/pmc/pmc.do.* For example, a Market-Maker has the following eight-leg position: Long 1000 Jan 1000 SPX calls, short 1000 Jan 2000 SPX calls, short 842 Jan 2500 SPX calls, short 89 Jan 2600 SPX calls, long 200 Jan 700 puts, short 200 Jan 750 SPX puts, short 1000 Jan 1000 SPX puts, and long 1000 Jan 2000 SPX puts. Under OCC rules, the minimum capital charge for this position is $128,435. Using the RBH calculator, there is no potential loss that is greater than this amount; in fact, under each of the 10 equidistant theoretical valuation points of the underlying index, this strategy would net a profit. Therefore, the clearing firm incurs a charge of $128,435. However, as the RBH calculator values demonstrate, this is essentially a riskless position for which there is a minimal chance that a theoretical loss of $128,435 could ever occur. Therefore, this position is eligible for the rebate (assuming all requirements are satisfied), because the OCC theoretical minimum capital charge is larger than any potential loss that may result within the range of an 8% decrease to a 6% increase in the underlying index value. Alternatively, a Market-Maker has the following five-leg strategy position: Short 892 Jan 1400 SPX calls, short 80 Jan 1500 SPX calls, long 200 Jan 1950 SPX puts, short 200 Jan 2000 SPX puts, and long 165 Jan 2100 SPX puts. Under OCC rules, the minimum capital charge for this position is $38,425. Using the RBH calculator, an increase in the underlying index value of 6% could cause this position to lose $12,801,718 (which is the highest potential loss under each of the 10 equidistant theoretical valuation points of the underlying index). Because this potential loss is larger than the theoretical minimum charge, the actual capital requirement is this amount of $12,801,718. This position is therefore not eligible for the proposed rebate, as there is a risk of a potential large loss on this position.

[5] For example, the fourth quarter of 2015 standard-Friday expiration occurred on December 18, 2015. For that quarter, qualifying transactions would need to be entered no earlier than December 23, 2015 and no later than December 31, 2015.

[6] Rebate of transaction fees would include the transaction fee assessed along with any other surcharges assessed per contract (*e.g.*, the Index License Surcharge).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

[10] *See* CBOE Fees Schedule, Equity Options Rate Table, ETF and ETN Options Rate Table and Index Options Rate Table—All Index Products Excluding Underlying Symbol List A Rate Table.

transactions effected after the quarterly expiration through the end of that month because the universe of transactions are not fully known until after the quarterly expiration. Additionally, in order for TPHs to realize the benefit of the transactions under the bank capital regulatory requirements, all transactions must be settled by the end of the financial reporting quarter.

The Exchange believes requiring TPHs to submit a request for a rebate within three business days of the transactions clarifies the manner in which the rebate can be accomplished in a timely manner and will eliminate any confusion and provide a clear procedure for applicants to get a rebate for their compression transactions, removing impediments to and perfecting the mechanism of a free and open market. Additionally, the Exchange notes that such requirement will apply to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the Act because it applies to all market participants in the same manner with positions that meet the eligible criteria. The proposed change would encourage the closing of positions that needlessly result in burdensome capital requirements that, once closed, would alleviate the capital requirement constraints on TPHs and improve overall market liquidity by freeing capital currently tied up in certain out-of-the-money and riskless positions. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change applies only to CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings 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–CBOE–2015–117 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–CBOE–2015–117. 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–CBOE–2015–117 and should be submitted on or before February 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00337 Filed 1–11–16; 8:45 am]

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[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76841; File No. SR–BATS–2015–101]

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 No. 1 Thereto, To Adopt Rule 8.17 To Provide a Process for an Expedited Client Suspension Proceeding and Rule 12.15 To Prohibit Disruptive Quoting and Trading Activity

January 6, 2016.

On November 6, 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 adopt new BATS Rule (''Rule'') 12.15, which would prohibit certain disruptive quoting and trading activity on the Exchange, and new Rule 8.17, which would permit BATS to conduct a new Expedited Client Suspension Proceeding when it believes

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed Rule 12.15 has been violated.[3] On November 17, 2015, the Exchange filed Amendment No. 1 to the proposal.[4] The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on November 24, 2015.[5] The Commission received four comments on the proposal.[6]

Section 19(b)(2) of the Act[7] provides that, within 45 days of the publication of the 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 45th day for this filing is January 8, 2016. The Commission is extending this 45-day time period.

The Commission finds that it is 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 and the comments received. Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,[8] designates February 22, 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 Number SR–BATS–2015–101).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00336 Filed 1–11–16; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76848/January 7, 2016]

Order Making Fiscal Year 2016 Annual Adjustments to Transaction Fee Rates

I. Background

Section 31 of the Securities Exchange Act of 1934 (''Exchange Act'') requires each national securities exchange and national securities association to pay transaction fees to the Commission.[1] Specifically, Section 31(b) requires each national securities exchange to pay to the Commission fees based on the aggregate dollar amount of sales of certain securities (''covered sales'') transacted on the exchange.[2] Section 31(c) requires each national securities association to pay to the Commission fees based on the aggregate dollar amount of covered sales transacted by or through any member of the association other than on an exchange.[3]

Section 31 of the Exchange Act requires the Commission to annually adjust the fee rates applicable under Sections 31(b) and (c) to a uniform adjusted rate.[4] Specifically, the Commission must adjust the fee rates to a uniform adjusted rate that is reasonably likely to produce aggregate fee collections (including assessments on security futures transactions) equal to the regular appropriation to the Commission for the applicable fiscal year.[5]

The Commission is required to publish notice of the new fee rates under Section 31 not later than 30 days after the date on which an Act making a regular appropriation for the applicable fiscal year is enacted.[6] On December 18, 2015, the President signed the ''Consolidated Appropriations Act, 2016'', providing $1,605,000,000 in funds to the SEC for fiscal year 2016.

II. Fiscal Year 2016 Annual Adjustment to the Fee Rate

The new fee rate is determined by (1) subtracting the sum of fees estimated to be collected prior to the effective date of the new fee rate[7] and estimated assessments on security futures transactions to be collected under Section 31(d) of the Exchange Act for all of fiscal year 2016[8] from an amount equal to the regular appropriation to the Commission for fiscal year 2016, and (2) dividing by the estimated aggregate dollar amount of sales for the remainder of the fiscal year following the effective date of the new fee rate.[9]

The regular appropriation to the Commission for fiscal year 2016 is $1,605,000,000. The Commission estimates that it will collect $502,582,684 in fees for the period prior to the effective date of the new fee rate and $35,649 in assessments on round turn transactions in security futures products during all of fiscal year 2016. Using a new methodology described below, the Commission estimates that the aggregate dollar amount of covered sales for the remainder of fiscal year 2016 to be $50,672,728,301,509.

The uniform adjusted rate is computed by dividing the residual fees to be collected of $1,102,381,667 by the estimate of the aggregate dollar amount of covered sales for the remainder of fiscal year 2016 of $50,672,728,301,509; this results in a uniform adjusted rate for fiscal year 2016 of $21.80 per million.[10]

[3] This proposed rule change is a revised version of a prior filing, BATS–2015–57, which the Exchange withdrew and revised in order to address certain issues raised by comments submitted with respect to BATS–2015–57. *See* Securities Exchange Act Release No. 76393 (November 9, 2015), 80 FR 70851 (November 16, 2015) (BATS–2015–57) (noticing the withdrawal of BATS–2015–57).

[4] Amendment No. 1 amended and replaced the original proposal in its entirety.

[5] *See* Securities Exchange Act Release No. 76470 (November 18, 2015), 80 FR 73247 (''Notice'').

[6] *See* letters from: R.T. Leuchtkafer to Brent J. Fields, Secretary, Commission, dated December, 14, 2015; Rick A. Fleming, Investor Advocate, Commission, to U.S. Securities and Exchange Commission, dated December 15, 2015; Samuel F. Lek, Chief Executive Officer, Lek Securities Corporation, dated December 28, 2015; G.T. Spaulding to Brent J. Fields, Secretary, Commission, dated December, 28, 2015.

[7] 15 U.S.C. 78s(b)(2).

[8] *Id.*

[9] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78ee.

[2] 15 U.S.C. 78ee(b).

[3] 15 U.S.C. 78ee(c).

[4] In some circumstances, the SEC also must make a mid-year adjustment to the fee rates applicable under Sections 31(b) and (c).

[5] 15 U.S.C. 78ee(j)(1) (the Commission must adjust the rates under Sections 31(b) and (c) to a ''uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under [Section 31] (including assessments collected under [Section 31(d)]) that are equal to the regular appropriation to the Commission by Congress for such fiscal year.'').

[6] 15 U.S.C. 78ee(g).

[7] The sum of fees to be collected prior to the effective date of the new fee rate is determined by applying the current fee rate to the dollar amount of covered sales prior to the effective date of the new fee rate. The exchanges and FINRA have provided data on the dollar amount of covered sales through November, 2015. To calculate the dollar amount of covered sales from December, 2015 to the effective date of the new fee rate, the Commission is using the new methodology described in Section IV of this order.

[8] The Commission is using the same methodology it has used previously to estimate assessments on security futures transactions to be collected in fiscal year 2016. An explanation of the methodology appears in Appendix A.

[9] To estimate the aggregate dollar amount of covered sales for the remainder of fiscal year 2016 following the effective date of the new fee rate, the Commission is using the new methodology referenced above, and described in Section IV of this order.

[10] Appendix A shows the process of calculating the fiscal year 2016 annual adjustment. The appendix also includes the data used by the Commission in making this adjustment.

III. Effective Date of the Uniform Adjusted Rate

Under Section 31(j)(4)(A) of the Exchange Act, the fiscal year 2016 annual adjustments to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall take effect on the later of October 1, 2015, or 60 days after the date on which a regular appropriation to the Commission for fiscal year 2016 is enacted.[11] The regular appropriation to the Commission for fiscal year 2016 was enacted on December 18, 2015, and accordingly, the new fee rates applicable under Sections 31(b) and (c) of the Exchange Act will take effect on February 16, 2016.

IV. New Methodology for the Baseline Estimate of the Aggregate Dollar Volume of Covered Sales

The methodology used to generate the baseline estimate of the aggregate dollar amount of covered sales is required to be developed by the Commission in consultation with the Congressional Budget Office (''CBO'') and the Office of Management and Budget (''OMB'').[12] The Commission recently completed a comprehensive review of the methodology and determined that modifications to the methodology would improve the accuracy of the estimates. The Commission consulted with CBO and OMB regarding the modifications to the methodology, as required under Section 31 of the Exchange Act. Consequently, the Commission has adopted the new methodology to generate the baseline estimate of the aggregate dollar volume of covered sales, which is used to determine the new fee rates. The methodology is explained in Appendix A attached to this order.

V. Conclusion

Accordingly, pursuant to Section 31 of the Exchange Act,

It is hereby ordered that the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall be $21.80 per $1,000,000 effective on February 16, 2016.

By the Commission.

Brent J. Fields,

Secretary.

Appendix A

This appendix provides the methodology for determining the annual adjustment to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act for fiscal year 2016. Section 31 of the Exchange Act requires the fee rates to be adjusted so that it is reasonably likely that the Commission will collect aggregate fees equal to its regular appropriation for fiscal year 2016.

To make the adjustment, the Commission must project the aggregate dollar amount of covered sales of securities on the securities exchanges and certain over-the-counter markets over the course of the year. The fee rate equals the ratio of the Commission's regular appropriation for fiscal year 2016 (less the sum of fees to be collected during fiscal year 2016 prior to the effective date of the new fee rate and aggregate assessments on security futures transactions during all of fiscal year 2016) to the estimated aggregate dollar amount of covered sales for the remainder of the fiscal year following the effective date of the new fee rate.

For 2016, the Commission has estimated the aggregate dollar amount of covered sales by projecting forward the trend established in the previous decade. More specifically, the dollar amount of covered sales was forecasted for months subsequent to November 2015, the last month for which the Commission has data on the dollar volume of covered sales.[13]

The following sections describe this process in detail.

A. Baseline estimate of the aggregate dollar amount of covered sales for fiscal year 2016.

First, calculate the average daily dollar amount of covered sales (ADS) for each month in the sample (October, 2005–November, 2015). The monthly total dollar amount of covered sales (exchange plus certain over-the-counter markets) is presented in column C of Table A.

Next, model the monthly change in the natural logarithm of ADS as a first order autoregressive process (''AR(1)''), including monthly indicator variables to control for seasonality.

Use the estimated AR(1) model to forecast the monthly change in the log level of ADS. These percent changes can then be applied to obtain forecasts of the total dollar volume of covered sales. The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for total dollar volume of covered sales (column C). The sample spans ten years, from October, 2005–November, 2015.[14] Divide each month's total dollar volume by the number of trading days in that month (column B) to obtain the average daily dollar volume (ADS, column D).

2. For each month *t,* calculate Δ LN ADS (shown in column E) as the log growth rate of ADS, that is, the difference between the natural logarithm of ADS in month *t* and its value in the prior month.

3. Estimate the AR(1) model

$$y_t = \beta y_{t-1} + \sum_{m=1}^{12} \alpha_m D_t^m + \varepsilon_t$$

with $D^m{}_t$ representing monthly indicator variables, *Yt* representing the log growth rate in ADS (Δ LS ADS), and ε_t representing the error term for month *t.* The model can be estimated using standard commercially available software. The estimated parameter values are $\hat{\beta} = {}^{-}0.2671$ and $\hat{\alpha} - \hat{\alpha}_{12}$ as follows:

$\hat{\alpha}_1$ (*JAN*) = 0.0854, $\hat{\alpha}_2$ (*FEB*) = 0.0425, $\hat{\alpha}_3$ (*MAR*) = 0.0124, $\hat{\alpha}_4$ (*APR*) = $^{-}$0.0466, $\hat{\alpha}_5$ (*MAY*) = 0.0501, $\hat{\alpha}_6$ (*JUN*) = 0.0031, $\hat{\alpha}_7$ (*JUL*) = $^{-}$0.0482, $\hat{\alpha}_8$ (*AUG*) = $^{-}$0.0004, $\hat{\alpha}_9$ (SEP) = 0.0335, $\hat{\alpha}_{10}$ (OCT) = 0.0614, $\hat{\alpha}_{11}$ (NOV) = $^{-}$0.0296, $\hat{\alpha}_{12}$ (DEC) = $^{-}$0.0801. The root-mean squared error (RMSE) of the regression is 0.1140.

4. For the first month calculate the forecasted value of the log growth rate of ADS as

$$\hat{y}_t = \hat{\beta} y_{t-1} + \sum_{m=1}^{12} \hat{\alpha}_m D_{mt}$$

For the next month use the forecasted value of the log growth rate of the first month to calculate the forecast of the next month. This process iterates until a forecast is generated for all remaining months in the fiscal year. These data appear in column F.

5. Assuming that the regression error in the AR(1) model is normally distributed, the expected percentage change in average daily dollar volume from month $t-1$ to month t is then given by the expression

$$\left(\hat{\beta} y_{t-1} + \frac{1}{2}\sigma^2\right) - 1,$$

where σ denotes the root mean squared error of the regression (RMSE).

6. For instance, for December 2015, using the $\hat{\beta}$ parameter and the $\hat{\alpha}_{12}$ parameter (for December) above, and the change in the log-level ADS from November, 2015, we can estimate the change in the log growth in average daily sales as $\hat{\beta}\gamma_{Nov} + \hat{\alpha}_{Dec} = ((-0.2671 \times -0.02892) - 0.0801) = -0.0724$. This represents the estimated *change* in log average daily dollar volume for December 2015 relative to November 2015. To estimate the percent change in average daily sales from November, 2015 to December, 2015, use the formula shown in Step 5, above: $\exp(-0.0724 + \frac{1}{2}0.1140^2) = -0.0638$. Apply this estimated percent change in ADS to the ADS for November, 2015 to estimate the ADS for December, 2015 as $291,167,469,596 \times (1-0.0638) = $272,602,991,941. Multiply this by the 22 trading days in December 2015 to obtain a total dollar volume forecast of $5,997,265,822,693.

[11] 15 U.S.C. 78ee(j)(4)(A).

[12] 15 U.S.C. 78ee(j)(1).

[13] To determine the availability of data, the Commission compares the date of the appropriation with the date the transaction data are due from the exchanges (10 business days after the end of the month). If the business day following the date of the appropriation is equal to or subsequent to the date the data are due from the exchanges, the Commission uses these data. The appropriation was signed on December 18, 2015. The first business day after this date was December 21, 2015. Data for November, 2015 were due from the exchanges on December 14, 2015, so the Commission used November 2015 and earlier data to forecast volume for December, 2015 later months.

[14] Because the model uses a one period lag in the *change* in the log level of average daily sales, two additional months of data are added to the table so that the model is estimated with 120 observations.

7. For January 2016, proceed in a similar fashion. Using the estimates for December, 2015 along with the $\hat{\beta}$ parameter and the $\hat{\alpha}_1$ parameter (for January) to generate a forecast for the one-month change in the log level of average daily sales. Convert the estimated log change in average daily sales to estimated percent change in ADS as in step 6, above to obtain a forecast ADS of $304,668,090,424. Multiply this figure by the 19 trading days in January 2016 to obtain a total dollar volume forecast of $5,788,693,718,050.

8. Repeat this procedure for subsequent months.

B. Using the Forecasts From A To Calculate the New Fee Rate

1. Use Table A to estimate fees collected for the period 10/1/15 through 2/15/16. The projected aggregate dollar amount of covered sales for this period is $27,314,276,282,567. Actual and projected fee collections at the current fee rate of $18.40 per million are $502,582,684.

2. Estimate the amount of assessments on security futures products collected from 10/1/15 through 9/30/16. First, calculate the average and the standard deviation of the change in log average daily sales, in column E. The average is 0.005148 and the standard deviation is 0.12233. These are used to estimate an average growth rate in ADS using the formula $\exp(0.005148 + \frac{1}{2}0.12233^2) - 1$. This results in an average monthly increase of 1.271%. Apply this monthly increase to the last month for which single stock futures' assessments are available, which was $2,828.72, for November, 2015. Estimate all subsequent months in fiscal year 2016 by applying the growth rate to the previously estimated monthly value, and sum the results. This totals $35,649 for the entire fiscal year.

3. Subtract the amounts $502,582,684 and $35,649 from the target offsetting collection amount set by Congress of $1,605,000,000 leaving $1,102,381,667 to be collected on dollar volume for the period 2/16/2016 through 9/30/2016.

4. Use Table A to estimate dollar volume for the period 2/16/2016 through 9/30/2016. The estimate is $50,672,728,301,509. Finally, compute the fee rate required to produce the additional $1,102,381,667 in revenue. This rate is $1,102,381,667 divided by $50,672,728,301,509 or 0.00002175493.

5. Round the result to the seventh decimal point, yielding a rate of 0.0000218 (or $21.80 per million).

TABLE A—BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES

Fee rate calculation	
a. Baseline estimate of the aggregate dollar amount of sales, 10/01/2015 to 01/31/2016 ($Millions)	24,202,962
b. Baseline estimate of the aggregate dollar amount of sales, 02/01/2016 to 02/15/2016 ($Millions)	3,111,314
c. Baseline estimate of the aggregate dollar amount of sales, 02/16/2016 to 02/29/2016 ($Millions)	3,111,314
d. Baseline estimate of the aggregate dollar amount of sales, 03/01/2015 to 09/30/2016 ($Millions)	47,561,414
e. Estimated collections in assessments on security features products in fiscal year 2016 ($Millions)	0.036
f. Implied fee rate (($1,605,000,000 − $18.40 * (a + b) − e) / (c + d)	$21.80

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
Month	# of Trading days in month	Total dollar amount of sales	Average daily dollar amount of sales (ADS)	Δ LN ADS	Forecast Δ LN ADS	Forecast average daily dollar amount of sales	Forecast total dollar amount of sales
Oct-05	21	3,279,847,331,057	156,183,206,241	#N/A			
Nov-05	21	3,163,453,821,548	150,640,658,169	−0.03613			
Dec-05	21	3,090,212,715,561	147,152,986,455	−0.02342			
Jan-06	20	3,573,372,724,766	178,668,636,238	0.19406			
Feb-06	19	3,314,259,849,456	174,434,728,919	−0.02398			
Mar-06	23	3,807,974,821,564	165,564,122,677	−0.05219			
Apr-06	19	3,257,478,138,851	171,446,217,834	0.03491			
May-06	22	4,206,447,844,451	191,202,174,748	0.10906			
Jun-06	22	3,995,113,357,316	181,596,061,696	−0.05155			
Jul-06	20	3,339,658,009,357	166,982,900,468	−0.08389			
Aug-06	23	3,410,187,280,845	148,269,012,211	−0.11886			
Sep-06	20	3,407,409,863,673	170,370,493,184	0.13895			
Oct-06	22	3,980,070,216,912	180,912,282,587	0.06004			
Nov-06	21	3,933,474,986,969	187,308,332,713	0.03474			
Dec-06	20	3,715,146,848,695	185,757,342,435	−0.00831			
Jan-07	20	4,263,986,570,973	213,199,328,549	0.13779			
Feb-07	19	3,946,799,860,532	207,726,308,449	−0.02601			
Mar-07	22	5,245,051,744,090	238,411,442,913	0.13778			
Apr-07	20	4,274,665,072,437	213,733,253,622	−0.10927			
May-07	22	5,172,568,357,522	235,116,743,524	0.09535			
Jun-07	21	5,586,337,010,802	266,016,048,133	0.12347			
Jul-07	21	5,938,330,480,139	282,777,641,911	0.06110			
Aug-07	23	7,713,644,229,032	335,375,836,045	0.17059			
Sep-07	19	4,805,676,596,099	252,930,347,163	−0.28214			
Oct-07	23	6,499,651,716,225	282,593,552,879	0.11090			
Nov-07	21	7,176,290,763,989	341,728,131,619	0.19001			
Dec-07	20	5,512,903,594,564	275,645,179,728	−0.21490			
Jan-08	21	7,997,242,071,529	380,821,051,025	0.32322			
Feb-08	20	6,139,080,448,887	306,954,022,444	−0.21563			
Mar-08	20	6,767,852,332,381	338,392,616,619	0.09751			
Apr-08	22	6,150,017,772,735	279,546,262,397	−0.19104			
May-08	21	6,080,169,766,807	289,531,893,657	0.03510			
Jun-08	21	6,962,199,302,412	331,533,300,115	0.13546			
Jul-08	22	8,104,256,787,805	368,375,308,537	0.10537			
Aug-08	21	6,106,057,711,009	290,764,652,905	−0.23659			
Sep-08	21	8,156,991,919,103	388,428,186,624	0.28959			
Oct-08	23	8,644,538,213,244	375,849,487,532	−0.03292			

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
Month	# of Trading days in month	Total dollar amount of sales	Average daily dollar amount of sales (ADS)	Δ LN ADS	Forecast Δ LN ADS	Forecast average daily dollar amount of sales	Forecast total dollar amount of sales
Nov-08	19	5,727,998,341,833	301,473,596,939	−0.22051			
Dec-08	22	5,176,041,317,640	235,274,605,347	−0.24793			
Jan-09	20	4,670,249,433,806	233,512,471,690	−0.00752			
Feb-09	19	4,771,470,184,048	251,130,009,687	0.07274			
Mar-09	22	5,885,594,284,780	267,527,012,945	0.06325			
Apr-09	21	5,123,665,205,517	243,984,057,406	−0.09212			
May-09	20	5,086,717,129,965	254,335,856,498	0.04155			
Jun-09	22	5,271,742,782,609	239,624,671,937	0.05958			
Jul-09	22	4,659,599,245,583	211,799,965,708	−0.12343			
Aug-09	21	4,582,102,295,783	218,195,347,418	0.02975			
Sep-09	21	4,929,155,364,888	234,721,684,042	0.07301			
Oct-09	22	5,410,025,301,030	245,910,240,956	0.04657			
Nov-09	20	4,770,928,103,032	238,546,405,152	−0.03040			
Dec-09	22	4,688,555,303,171	213,116,150,144	−0.11273			
Jan-10	19	4,661,793,708,648	245,357,563,613	0.14088			
Feb-10	19	4,969,848,578,023	261,570,977,791	0.06399			
Mar-10	23	5,563,529,823,621	241,892,601,027	−0.07821			
Apr-10	21	5,546,445,874,917	264,116,470,234	0.08790			
May-10	20	7,260,430,376,294	363,021,518,815	0.31807			
Jun-10	22	6,124,776,349,285	278,398,924,967	−0.26541			
Jul-10	21	5,058,242,097,334	240,868,671,302	−0.14480			
Aug-10	22	4,765,828,263,463	216,628,557,430	−0.10607			
Sep-10	21	4,640,722,344,586	220,986,778,314	0.01992			
Oct-10	21	5,138,411,712,272	244,686,272,013	0.10187			
Nov-10	21	5,279,700,881,901	251,414,327,710	0.02713			
Dec-10	22	4,998,574,681,208	227,207,940,055	−0.10124			
Jan-11	20	5,043,391,121,345	252,169,556,067	0.10424			
Feb-11	19	5,114,631,590,581	269,191,136,346	0.06532			
Mar-11	23	6,499,355,385,307	282,580,668,926	0.04854			
Apr-11	20	4,975,954,868,765	248,797,743,438	−0.12732			
May-11	21	5,717,905,621,053	272,281,220,050	0.09020			
Jun-11	22	5,820,079,494,414	264,549,067,928	−0.02881			
Jul-11	20	5,189,681,899,635	259,484,094,982	−0.01933			
Aug-11	23	8,720,566,877,109	379,155,081,613	0.37925			
Sep-11	21	6,343,578,147,811	302,075,149,896	−0.22727			
Oct-11	21	6,163,272,963,688	293,489,188,747	−0.02884			
Nov-11	21	5,493,906,473,584	261,614,593,980	−0.11497			
Dec-11	21	5,017,867,255,600	238,946,059,790	−0.09063			
Jan-12	20	4,726,522,206,487	236,326,110,324	−0.01103			
Feb-12	20	5,011,862,514,132	250,593,125,707	0.05862			
Mar-12	22	5,638,847,967,025	256,311,271,228	0.02256			
Apr-12	20	5,084,239,396,560	254,211,969,828	−0.00822			
May-12	22	5,611,638,053,374	255,074,456,972	0.00339			
Jun-12	21	5,121,896,896,362	243,899,852,208	−0.04480			
Jul-12	21	4,567,519,314,374	217,500,919,732	−0.11455			
Aug-12	23	4,621,597,884,730	200,939,038,467	−0.07920			
Sep-12	19	4,598,499,962,682	242,026,313,825	0.18604			
Oct-12	21	5,095,175,588,310	242,627,408,967	0.00248			
Nov-12	21	4,547,882,974,292	216,565,855,919	−0.11363			
Dec-12	20	4,744,922,754,360	237,246,137,718	0.09120			
Jan-13	21	5,079,603,817,496	241,885,896,071	0.01937			
Feb-13	19	4,800,663,527,089	252,666,501,426	0.04360			
Mar-13	20	4,917,701,839,870	245,885,091,993	−0.02721			
Apr-13	22	5,451,358,637,079	247,789,028,958	0.00771			
May-13	22	5,681,788,831,869	258,263,128,721	0.04140			
Jun-13	20	5,623,545,462,226	281,177,273,111	0.08501			
Jul-13	22	5,083,861,509,754	231,084,614,080	0.19620			
Aug-13	22	4,925,611,193,095	223,891,417,868	0.03162			
Sep-13	20	4,959,197,626,713	247,959,881,336	0.10211			
Oct-13	23	5,928,804,028,970	257,774,088,216	0.03882			
Nov-13	20	5,182,024,612,049	259,101,230,602	0.00514			
Dec-13	21	5,265,282,994,173	250,727,761,627	−0.03285			
Jan-14	21	5,808,700,114,288	276,604,767,347	0.09822			
Feb-14	19	6,018,926,931,054	316,785,627,950	0.13564			
Mar-14	21	6,068,617,342,988	288,981,778,238	−0.09186			
Apr-14	21	6,013,948,953,528	286,378,521,597	−0.00905			
May-14	21	5,265,594,447,318	250,742,592,729	−0.13289			
Jun-14	21	5,159,506,989,669	245,690,809,032	-0.02035			
Jul-14	22	5,364,099,567,460	243,822,707,612	−0.00763			
Aug-14	21	5,075,332,147,677	241,682,483,223	−0.00882			

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
Month	# of Trading days in month	Total dollar amount of sales	Average daily dollar amount of sales (ADS)	Δ LN ADS	Forecast Δ LN ADS	Forecast average daily dollar amount of sales	Forecast total dollar amount of sales
Sep-14	21	5,507,943,363,243	262,283,017,297	0.08180			
Oct-14	23	7,796,638,035,879	338,984,262,430	0.25653			
Nov-14	19	5,340,847,027,697	281,097,211,984	−0.18725			
Dec-14	22	6,559,110,068,128	298,141,366,733	0.05887			
Jan-15	20	6,185,619,541,044	309,280,977,052	0.03668			
Feb-15	19	5,723,523,235,641	301,238,065,034	−0.02635			
Mar-15	22	6,395,046,297,249	290,683,922,602	−0.03566			
Apr-15	21	5,625,548,298,004	267,883,252,286	−0.08169			
May-15	20	5,521,351,972,386	276,067,598,619	0.03009			
Jun-15	22	6,005,521,460,806	272,978,248,218	−0.01125			
Jul-15	22	6,493,670,315,390	295,166,832,518	0.07815			
Aug-15	21	6,963,901,249,270	331,614,345,203	0.11643			
Sep-15	21	6,440,925,545,396	306,710,740,257	−0.07807			
Oct-15	22	6,593,653,094,211	299,711,504,282	−0.02308			
Nov-15	20	5,823,349,391,916	291,167,469,596	−0.02892			
Dec-15	22	.....	.....	.....	−0.0724	272,602,991,941	5,997,265,822,693
Jan-16	19	.....	.....	.....	0.1047	304,668,090,424	5,788,693,718,050
Feb-16	20	.....	.....	.....	0.0145	311,131,425,570	6,222,628,511,396
Mar-16	22	.....	.....	.....	0.0085	315,842,407,146	6,948,532,957,222
Apr-16	21	.....	.....	.....	−0.0488	302,748,113,304	6,357,710,379,390
May-16	21	.....	.....	.....	0.0631	324,581,761,754	6,816,216,996,826
Jun-16	22	.....	.....	.....	−0.0138	322,226,038,253	7,088,972,841,563
Jul-16	20	.....	.....	.....	−0.0445	310,203,769,953	6,204,075,399,062
Aug-16	23	.....	.....	.....	0.0115	315,832,901,491	7,264,156,734,284
Sep-16	21	.....	.....	.....	0.0304	327,702,320,832	6,881,748,737,465

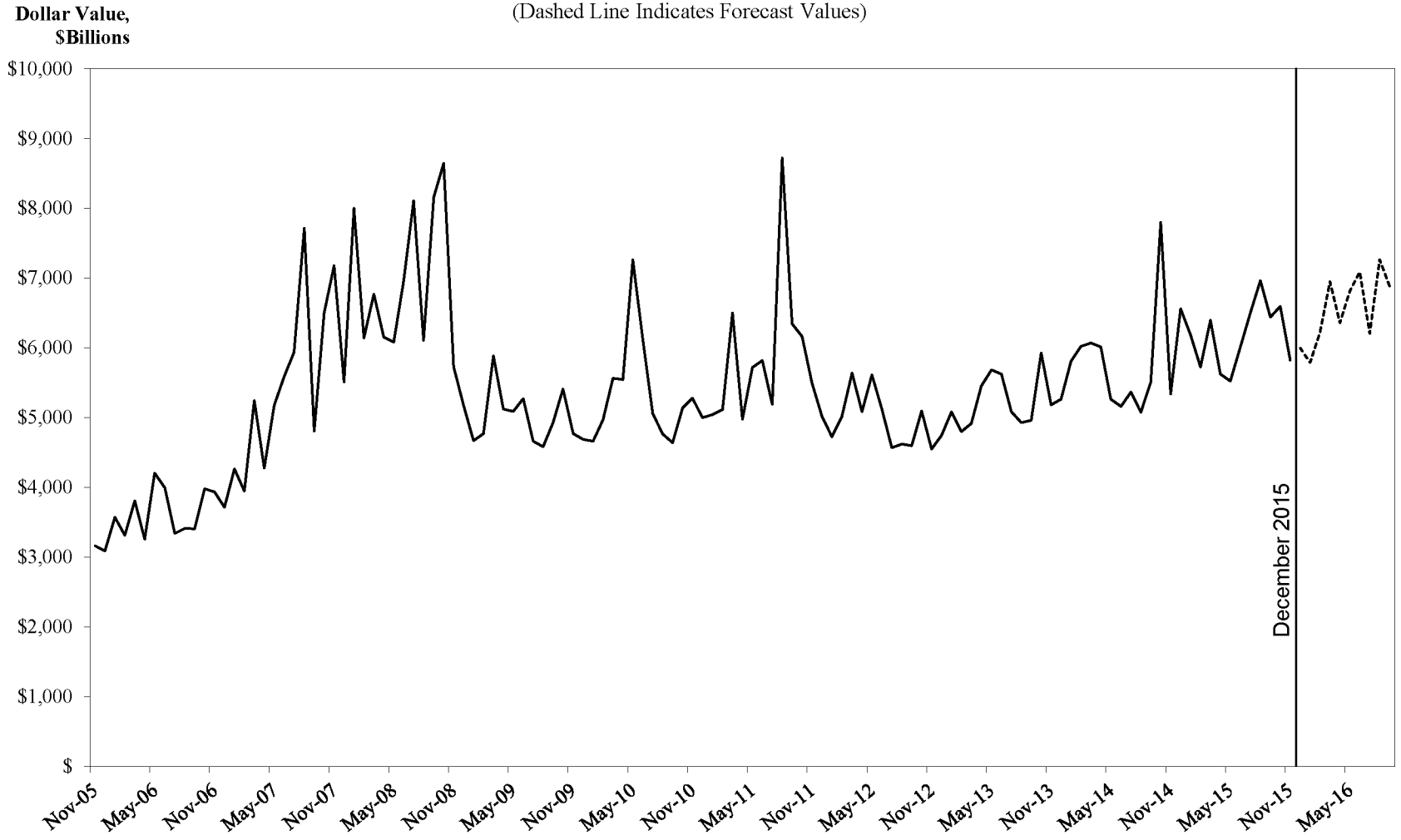
BILLING CODE 8011–01–P

Figure A.

Aggregate Dollar Amount of Sales Subject to Exchange Act Sections 31(b) and 31(c)[1]

Methodology Developed in Consultation With OMB and CBO

(Dashed Line Indicates Forecast Values)



[1]Forecasted line is not smooth because the number of trading days varies by month.

[FR Doc. 2016–00406 Filed 1–11–16; 8:45 am]
BILLING CODE 8011–01–C

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14579 and #14580]

Idaho Disaster #ID–00060

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 Idaho (FEMA–4246–DR), dated 12/23/2015.

Incident: Severe storms and straight-line winds.

Incident Period: 11/17/2015.

Effective Date: 12/23/2015.

Physical Loan Application Deadline Date: 02/22/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 09/23/2016.

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 12/23/2015, 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:

Benewah Bonner Boundary, Kootenai, and the Coeur D'Alene Tribe.

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 14579B and for economic injury is 14580B.

(Catalog of Federal Domestic Assistance Numbers 59008)

Jerome Edwards,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–00357 Filed 1–11–16; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14585 and #14586]

Oklahoma Disaster #OK–00098

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 Oklahoma (FEMA–4247–DR), dated 12/29/2015.

Incident: Severe winter storms and flooding.

Incident Period: 11/27/2015 through 11/29/2015.

EFFECTIVE DATE: 12/29/2015.

Physical Loan Application Deadline Date: 02/29/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 09/29/2016.

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 12/29/2015, 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:

Alfalfa, Beckham, Blaine, Caddo, Canadian, Custer, Dewey, Ellis, Grady, Grant, Kingfisher, Kiowa, Logan, Major, Oklahoma, Roger Mills, Washita, Woods.

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 14585B and for economic injury is 14586B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jerome Edwards,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–00360 Filed 1–11–16; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14587 and #14588]

Mississippi Disaster #MS–00082

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA—4248—DR), dated 01/04/2016.

Incident: Severe storms, tornadoes, straight-line winds, and flooding.

Incident Period: 12/23/2015 through 12/28/2015.

Effective Date: 01/04/2016.

Physical Loan Application Deadline Date: 03/04/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 10/04/2016.

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 01/04/2016, applications for disaster loans may be filed 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 (Physical Damage and Economic Injury Loans): Benton, Coahoma, Marshall. Quitman, Tippah,

Contiguous Counties (Economic Injury Loans Only):
Mississippi: Alcorn, Bolivar, Desoto, Lafayette, Panola, Prentiss, Sunflower, Tallahatchie, Tate. Tunica, Union,
Arkansas: Desha, Phillips.
Tennessee: Fayette, Hardeman, Shelby.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14587B and for economic injury is 145880.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–00358 Filed 1–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14589 and #14590]

Mississippi Disaster #MS–00083

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 Mississippi (FEMA–4248–DR), dated 01/04/2016.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 12/23/2015 through 12/28/2015.

Effective Date: 01/04/2016.

Physical Loan Application Deadline Date: 03/04/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 10/04/2016.

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 01/04/2016, 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: Benton, Marshall, Tippah.

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 14589B and for economic injury is 14590B.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–00359 Filed 1–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14581 and #14582]

Texas Disaster #TX–00462

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 Texas (FEMA–4245–DR), dated 12/24/2015.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 10/22/2015 through 10/31/2015.

DATES: *Effective Date:* 12/24/2015.

Physical Loan Application Deadline Date: 02/22/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 09/26/2016.

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 12/24/2015, 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: Bastrop, Bosque, Caldwell, Comal, Guadalupe, Hays, Hidalgo, Hill, Jasper, Liberty, Navarro, Newton, Travis, Walker, Willacy, Wilson.

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 14581B and for economic injury is 14582B

(Catalog of Federal Domestic Assistance Numbers 59008)

Jerome Edwards,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–00361 Filed 1–11–16; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Agreement on Government Procurement: Effective Date of Amendments for the Republic of Korea

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: For the purpose of U.S. Government procurement that is covered by Title III of the Trade Agreements Act of 1979, the effective date of the Protocol Amending the Agreement on Government Procurement, done on March 30, 2012 at Geneva, World Trade Organization, for the Republic of Korea is January 14, 2016.

DATES: Effective date: January 14, 2016.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., Washington DC 20508.

FOR FURTHER INFORMATION CONTACT: Scott Pietan (202) 395–9646), Director of International Procurement Policy, Office of the United States Trade Representative, 600 17th Street NW., Washington DC 20508.

SUPPLEMENTARY INFORMATION: Executive Order 12260 (December 31, 1980) implements the 1979 and 1994 Agreement on Government Procurement, pursuant to Title III of the Trade Agreements Act of 1979 as amended (19 U.S.C. 2511–2518). In section 1–201 of Executive Order 12260, the President delegated to the United States Trade Representative the functions vested in the President by sections 301, 302, 304, 305(c) and 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2511, 2512, 2514, 2515(c) and 2516).

The Protocol Amending the Agreement on Government Procurement, done at Geneva on March 30, 2012 (Protocol), entered into force on April 6, 2014 for the United States and the following Parties: Canada, Chinese Taipei, Hong Kong, Israel, Liechtenstein, Norway, European Union, Iceland, and Singapore. *See* 79 FR 14776 (March 17, 2014). The Protocol entered into force on April 16, 2014 for Japan. *See* 79 FR 21991 (April 18, 2014). The Protocol entered into force on July 4, 2014 for Aruba. *See* 79 FR 61926 (Oct. 15, 2014). The Protocol entered into force on June 5, 2015 for Armenia. *See* 80 FR 36884 (June 26, 2015).

The Protocol provides that following its entry into force, the Protocol will enter into force for each additional Party to the 1994 Agreement 30 days following the date on which the Party deposits its instrument of acceptance. On December 15, 2015, the Republic of Korea deposited its instrument of acceptance to the Protocol. Therefore, the Protocol enters into force on January 14, 2016 for the Republic of Korea. Effective January 14, 2016 for the Republic of Korea, all references in Title III of the Trade Agreement Act of 1979 and in Executive Order 12260 to the Agreement on Government Procurement will refer to the 1994 Agreement as amended by the Protocol.

With respect to those Parties that have not deposited their instruments of acceptance, all references in Title III of the Trade Agreement Act of 1979 and in Executive Order 12260 to the Agreement on Government Procurement will continue to refer to the 1994 Agreement until 30 days following the deposit by such Party of its instrument of acceptance of the Protocol.

For the full text of the Government Procurement Agreement as amended by the Protocol and the new annexes that set out the procurement covered by all of the Government Procurement Agreement Parties, see GPA–113: *http://www.ustr.gov/sites/default/files/GPA%20113%20Decision%20on%20the%20outcomes%20of%20the%20negotiations%20under%20Article%20XXIV%207.pdf.*

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2016–00437 Filed 1–11–16; 8:45 am]

BILLING CODE 3290–F6–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–70]

Petition for Exemption; Summary of Petition Received; Department of the Air Force

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–7520 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4025, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 7, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–7520.

Petitioner: Department of the Air Force.

Section(s) of 14 CFR Affected: § 73.19.

Description of Relief Sought: The Department of the Air Force seeks relief from the requirement to submit an annual report to the FAA on the use of each restricted area during the preceding 12-month period. The Department of the Air Force seeks this relief for the purpose of introducing the Air Force Center Scheduling Enterprise as the airspace and range management data collection system. The Department of the Air Force seeks relief from the reports required for calendar years 2015 and 2016.

[FR Doc. 2016–00420 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–72]

Petition for Exemption; Summary of Petition Received; Mr. Mikkel Grandjean-Thomsen

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–6275 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brent Hart (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 7, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–6275.

Petitioner: Mr. Mikkel Grandjean-Thomsen.

Section(s) of 14 CFR Affected: 61.156 (a) and (b).

Description of Relief Sought: The petitioner seeks to apply for the FAA airline transport pilot (ATP) certificate, based on the petitioner's European Aviation Safety Agency (EASA) ATP, FAA commercial pilot license (CPL), certified flight instructor (CFI), previous flight experience, as well as academic achievement.

[FR Doc. 2016–00427 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–77]

Petition for Exemption; Summary of Petition Received; PHI, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–7749 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200

New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Nia Daniels, (202–267–7626), 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 6, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–7749.
Petitioner: PHI, Inc.
Section(s) of 14 CFR Affected: 91.9(a).

Description of Relief Sought: PHI, Inc. requests an exemption from the requirements of 14 CFR 91.9(a), to the extent required to allow PHI, Inc. to operate Sikorsky S–92A helicopters with limited exposure to engine failures during takeoff and landing while carrying up to 19 passengers. This exemption request applies to operations inside and outside the United States.

[FR Doc. 2016–00417 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–78]

Petition for Exemption; Summary of Petition Received; Neptune Aviation Services, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–7261 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brent Hart (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 6, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–7261.
Petitioner: Neptune Aviation Services, Inc.
Section(s) of 14 CFR Affected: 21.197(c).

Description of Relief Sought: The petitioner is seeking an exemption from § 21.197(c) to provide authorization of Neptune Aviation Services, Inc. to issue special flight permits (SFP) for the purpose of moving company-owned aircraft to Neptune's maintenance facilities after normal Flight Standards District Office (FSDO) business hours.

[FR Doc. 2016–00429 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–68]

Petition for Exemption; Summary of Petition Received; U.S. Coast Guard Air Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–6462 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the

West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4025, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 7, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–6462.

Petitioner: U.S. Coast Guard Air Operations.

Section(s) of 14 CFR Affected: *91.*155(a).

Description of Relief Sought: The U.S. Coast Guard Air Operations seeks relief to operate an aircraft under visual flight rules (VFR) when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude and class of airspace. U.S. Coast Guard Air Operations seeks this relief for the purpose of carrying out the U.S. Coast Guard's statutory responsibilities for search and rescue missions.

[FR Doc. 2016–00418 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–79]

Petition for Exemption; Summary of Petition Received; Burlington Northern Santa Fe Railway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–7512 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Nia Daniels, (202–267–7626), 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 7, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–7512.

Petitioner: Burlington Northern Santa Fe Railway.

Section(s) of 14 CFR Affected: 91.113(b).

Description of Relief Sought: Burlington Northern Santa Fe Railway (BNSF) seeks relief from the requirements of 14 CFR § 91.113(b) Right-of-way rules: Except water operations, while conducting small unmanned aircraft system (UAS) operations as part of the Pathfinder Focus Area [1] for beyond visual line-of-sight (BVLOS) in rural/isolated areas. The UAS research under the Pathfinder program is conducted in partnership with the FAA to explore the next steps in unmanned aircraft operations beyond the type proposed in the notice of proposed rulemaking (NPRM), for Operation and Certification of Small Unmanned Aircraft Systems. BNSF proposes to utilize technology developed by leading experts to provide at least the same level of situational awareness as that of a pilot flying under visual flight rules (VFR).

[FR Doc. 2016–00413 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–76]

Petition for Exemption; Summary of Petition Received; Bombardier Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–3836 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9

[1] *https://www.faa.gov/uas/legislative_programs/pathfinders/.*

a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deana Stedman, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *deana.stedman@faa.gov*, phone (425) 227–2148.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 6, 2016.

Lirio Liu,

Director, Office of Rulemaking.

PETITION FOR EXEMPTION

Docket No.: FAA–2015–3836.

Petitioner: Bombardier Inc.

Section(s) of 14 CFR Affected: § 25.813(e)

Description of Relief Sought:

Title 14 of the Code of Federal Regulations (14 CFR) Section 25.813(e) prohibits the installation of a door that separates any passenger seat that is occupiable during takeoff and landing from any passenger emergency exit. Bombardier Inc., seeks relief from this requirement for the BD–700–2B12 Global 7000 and BD–700–2B13 Global 8000 to allow installation of one or more doors between passenger seats and passenger emergency exits.

Furthermore, Bombardier Inc., requests that the exemption, if granted, not include a condition (limitation) that would prohibit the aircraft from being operated for hire pursuant to 14 CFR part 135.

The petitioner asserts that the aircraft and door(s) will incorporate design features that assure passengers' ability to recognize the location of emergency exits and access those exits; thereby providing for an overall level of safety that is consistent with the intent of the regulations.

[FR Doc. 2016–00411 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Waiver of Debris Containment Requirements for Launch

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of waiver.

SUMMARY: This notice concerns two petitions for waiver submitted to the FAA by Space Exploration Technologies Corp. (SpaceX): (1) A petition to waive the requirement that a waiver request be submitted at least 60 days before the effective date of the waiver unless good cause for later submission is shown in the petition; and (2) a petition to waive the requirement that analysis must establish designated impact limit lines to bound the area where debris with a ballistic coefficient of three or more pounds per square foot is allowed to impact if the flight safety system (FSS) functions properly.

DATES: This notice is effective January 12, 2016 and is applicable beginning December 18, 2015.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this waiver, contact Charles P. Brinkman, Licensing Program Lead, Commercial Space Transportation—Licensing and Evaluation Division, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7715; email: *Phil.Brinkman@faa.gov*. For legal questions concerning this waiver, contact Laura Montgomery, Manager, Space Law Branch, AGC–210, Office of the Chief Counsel, Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3150; email: *Laura.Montgomery@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2015, SpaceX submitted a petition to the Federal Aviation Administration's (FAA's) Office of Commercial Space Transportation (AST) requesting relief from a regulatory requirement for a launch license for flight of a Falcon 9 launch vehicle carrying ORBCOMM–2 satellites. Specifically, SpaceX requested relief from § 417.213(a), which requires an analysis to establish flight safety limits that define when an FSS must terminate a launch vehicle's flight to prevent the hazardous effects of the resulting debris impacts from reaching any populated or other protected area, and the associated requirement of § 417.213(d), which requires an analysis to establish designated impact limit lines to bound the area where debris with a ballistic coefficient of three or more is allowed to impact if the FSS functions properly. On December 17, 2015, the FAA advised SpaceX that this relief must be requested as a waiver of § 417.213(a) and (d), and SpaceX modified its request to be a waiver petition in accordance with 14 CFR part 404. Because the scheduled launch was planned to occur in less than sixty days, SpaceX also requested a waiver to section 404.3(b)(5), which requires that a petition for waiver be submitted at least sixty days before the proposed effective date of the waiver, which in this case would be the date of the planned launch.

The FAA licenses the launch of a launch vehicle and reentry of a reentry vehicle under authority granted to the Secretary of Transportation in the Commercial Space Launch Act of 1984, as amended and re-codified by 51 U.S.C. Subtitle V, chapter 509 (Chapter 509), and delegated to the FAA Administrator and the Associate Administrator for Commercial Space Transportation, who exercises licensing authority under Chapter 509.

SpaceX is a private commercial space flight company. The petition addresses an upcoming flight that SpaceX plans to undertake to deliver ORBCOMM–2 satellites. SpaceX plans for the Falcon 9 launch vehicle to launch from Cape Canaveral Air Force Station (CCAFS) and fly back the first stage to CCAFS for landing. The flight termination system together with autonomous engine shutdown cannot prevent debris from reaching protected areas for all failure scenarios during the Falcon 9 fly back portion of the launch. Specifically, impact limit lines cannot be developed to ensure all debris with a ballistic coefficient of 3 pounds per square foot (psf) or greater remains on CCAFS.

Waiver Criteria

Chapter 509 allows the FAA to waive a license requirement if the waiver (1) will not jeopardize public health and safety, safety of property; (2) will not jeopardize national security and foreign policy interests of the United States; and (3) will be in the public interest. 51 U.S.C. 50905(b)(3) (2011); 14 CFR 404.5(b) (2011).

Section 404.3(b)(5) Waiver Petition

Section 404.3(b)(5) requires that a petition for waiver be submitted at least sixty days before the proposed effective date of the waiver, which in this case would be the date of the planned launch, initially scheduled for December 19, 2015. This section also provides that a petition may be submitted late for good cause. Here, SpaceX initially submitted its request on December 17, 2015, shortly after being apprised by the FAA that a waiver would be required. Accordingly, the FAA is able to find good cause.

Section 417.213(a) and (d) Waiver Petition

The exact text of 14 CFR 417.213(a) and (d), the regulations at issue, states:

(a) *General.* A flight safety analysis must identify the location of populated or other protected areas, and establish flight safety limits that define when a flight safety system must terminate a launch vehicle's flight to prevent the hazardous effects of the resulting debris impacts from reaching any populated or other protected area and ensure that the launch satisfies the public risk criteria of § 417.107(b).

(d) *Designated debris impact limits.* The analysis must establish designated impact limit lines to bound the area where debris with a ballistic coefficient of three or more is allowed to impact if the flight safety system functions properly.

Launch of the Falcon 9 Vehicle

The FAA waives the requirement of § 417.213(a) that analysis must establish flight safety limits that define when a flight safety system must terminate a launch vehicle's flight to prevent the hazardous effects of the resulting debris impacts from reaching any populated or other protected area and the associated requirement of § 417.213(d) that the analysis must establish designated impact limit lines to bound the area where debris with a ballistic coefficient of three or more is allowed to impact if the flight safety system functions properly because the Falcon 9 launch will not jeopardize public health and safety or safety of property, a national security or foreign policy interest of the United States, and is in the public interest.

i. Public Health and Safety and Safety of Property

The Falcon 9 ORBCOMM–2 launch is the first launch of an orbital expendable launch vehicle with a planned fly back of one of its stages to its launch site. SpaceX has attempted two landings of its Falcon 9 first stage on a barge on the ocean off CCAFS. The stages reached their intended landing spot, but did not survive the landings. In neither case was public health or safety or safety of third party property jeopardized. The damage to SpaceX's barge was minimal. The USAF conducted an assessment of the risk to property on CCAFS and has determined that the risks are acceptable.

The FAA requirements in 14 CFR part 417 have their genesis in USAF Range safety requirements. The FAA and USAF committed to a partnership during the development of today's launch safety regulations with a goal of developing common launch safety requirements and coordinating on requests for relief from the common requirements.[1] The USAF launch safety requirements were documented in EWR 127–1, which stated the governing principle that ''to provide for the public safety, the Ranges, using a Range Safety Program, shall ensure that the launch and flight of launch vehicles and payloads *present no greater risk to the general public than that imposed by the over-flight of conventional aircraft.*'' [2] In addition, an American National Standard endorsed the same governing principle: ''during the launch and flight phase of commercial space vehicle operations, the safety risk for the general public should be no more hazardous than that caused by other hazardous human activities (*e.g.,* general aviation over flight).'' [3]

Specifically, the 3 psf ballistic coefficient requirement of § 417.213(d) was intended to (1) capture the current practice of the USAF, (2) provide a clear and consistent basis to establish impact limit lines to determine if an accident as defined by § 401.5 occurred, and (3) help prevent a high consequence to the public given FSS activation.[4] Although § 417.107(c) requires a launch operator's flight safety analysis to account for any inert debris impact with a mean expected kinetic energy at impact greater than or equal to 11 ft-lbs., impact kinetic energy was deemed an impractical metric for establishing impact limit lines because kinetic energy at impact can vary significantly depending on wind conditions, and impact limit lines that vary with wind conditions are impractical. Thus, ballistic coefficient was deemed a better metric than impact kinetic energy to establish the debris that needed to be accounted for in establishing flight safety limits. In adopting the 3 psf ballistics coefficient standard, the FAA recognized that ballistic coefficient is not well correlated with the probability of a casualty producing impact.[5] There are significant probabilities that impacts with debris with a ballistic coefficient less than 3 psf might produce a casualty and that debris impacts with a ballistic coefficient greater than 3 psf might not produce a casualty. The population potentially exposed to an impact (*e.g.,* whether in the open or sheltered in buildings, or elsewhere), as well as the shape and impact orientation of debris, in addition to its energy and other characteristics, all influence whether or not an impact is likely to produce a casualty. Hence, the FAA required an expected casualty analysis in addition to the establishment of impact limit lines. In this regard, the 3 psf threshold for establishing impact limit lines was intended to provide an initial assessment of the risk of casualty for debris of a specific character, but this threshold correlates with public safety only in part.

In assessing the potential public safety impacts associated with debris outside of the impact limit lines for the SpaceX launch, the FAA returned to the original intent of the launch safety requirements: To ensure that launch presents no greater risk to the general public than that imposed by the over-flight of conventional aircraft. In doing so, it applied state-of-the-art techniques to examine the conditional E_c (CEC) of a failure that could generate debris outside of the impact limit lines. The use of CEC to establish impact limit lines was endorsed by the Range Commanders Council in a consensus standard in 2010.[6] Conditional E_c is defined as the expected casualties given the occurrence of a vehicle failure during flight. The FAA analysis of 30 years of empirical evidence provided by the NTSB shows that a CEC of 0.01 represents the public safety consequence associated with general aviation accidents. Further, analysis conducted by the FAA and 45SW/SELR demonstrates that the consequence of

[1] ''The Air Force and the FAA remain committed to the partnership outlined in the MOA and . . . developing common launch safety requirements and for coordinating the common requirements.'' Licensing and Safety Requrieemtns for Launch, Supplemental Notice of Proposed Rulemaking, 67 FR 49456, 49471 (July 30, 2002).

[2] Eastern and Western Range 127–1, Range Safety Requirements, 1998, see page 1–viii.

[3] ANSI/AIAA S–061–1998, ''Commercial Launch Safety,'' see Section 4.5.

[4] 14 CFR 417.107(a)(1)(ii).

[5] 67 FR 49464.

[6] ''A conditional risk management process should be implemented to assure that mission rules and flight termination criteria do not induce unacceptable levels of risk when they are implemented.'' Range Commanders Council Risk Committee of the Range Safety Group, *Common Risk Criteria for National Test Ranges,* RCC 321–10, White Sands Missile Range, New Mexico, p. 2–7 (2010).

events that could produce debris outside of the impact limit lines for a small portion of the ORBCOMM–2 fly back operations (where the concern exists) is within this threshold, even with input data that assume the worst case weather conditions. Thus, the FAA has determined that this waiver will not jeopardize public health and safety or the safety of property.

ii. National Security and Foreign Policy Implications

The USAF conducted an assessment of the risk to property on CCAFS, including assets used for national security space missions, and has determined that those risks are acceptable. The FAA has identified no national security or foreign policy implications associated with granting this waiver.

iii. Public Interest

The waiver is consistent with the public interest goals of Chapter 509 and the National Space Transportation Policy. Three of the public policy goals of Chapter 509 are: (1) To promote economic growth and entrepreneurial activity through use of the space environment; (2) to encourage the United States private sector to provide launch and reentry vehicles and associated services; and (3) to facilitate the strengthening and expansion of the United States space transportation infrastructure to support the full range of United States space-related activities. *See* 51 U.S.C. 50901(b)(1), (2), (4). *Commercial Space Transportation Licensing Regulations, Notice of Proposed Rulemaking,* 62 FR 13230 (Mar. 19, 1997). A successful demonstration of a stage returning to a launch site has the potential for reducing launch costs. As it is a major procurer of launch services, reduced launch costs will be of direct benefit to the U.S. Government. It will also help to make the U.S. launch industry more competitive internationally. The National Space Transportation Policy clearly identifies how strengthening U.S. competitiveness in the international launch market and improving the cost effectiveness of U.S. space transportation services are in the public interest: ''Maintaining an assured capability to meet United States Government needs, while also taking the necessary steps to strengthen U.S. competitiveness in the international commercial launch market, is important to ensuring that U.S. space transportation capabilities will be reliable, robust, safe, and affordable in the future. Among other steps, improving the cost effectiveness of U.S. space transportation services could help achieve this goal by allowing the United States Government to invest a greater share of its resources in other needs such as facilities modernization, technology advancement, scientific discovery, and national security. Further, a healthier, more competitive U.S. space transportation industry would facilitate new markets, encourage new industries, create high technology jobs, lead to greater economic growth and security, and would further the Nation's leadership role in space.'' SpaceX's proposed demonstration is in the public interest.

Issued in Washington, DC, on December 18, 2015.

Kenneth Wong,

Commercial Space Transportation, Licensing and Evaluation Division Manager.

[FR Doc. 2016–00444 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Waiver of Acceptable Risk Restriction for Launch

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of waiver.

SUMMARY: This notice concerns two petitions for waiver submitted to the FAA by Space Exploration Technologies Corp. (SpaceX): (1) A petition to waive the requirement that a waiver request be submitted at least 60 days before the effective date of the waiver unless good cause for later submission is shown in the petition; and (2) a petition to waive the restriction that the risk to the public from the launch of an expendable launch vehicle not exceed an expected average number of 0.00003 casualties ($E_c \leq 30 \times 10^{-6}$) from debris.

DATES: This notice is effective January 12, 2016 and is applicable beginning December 18, 2015.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this waiver, contact Charles P. Brinkman, Licensing Program Lead, Commercial Space Transportation—Licensing and Evaluation Division, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7715; email: *Phil.Brinkman@faa.gov.* For legal questions concerning this waiver, contact Laura Montgomery, Manager, Space Law Branch, AGC–210, Office of the Chief Counsel, Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3150; email: Laura.Montgomery@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 2015, SpaceX submitted a petition, which it revised on November 24, 2015, to the Federal Aviation Administration's (FAA's) Office of Commercial Space Transportation (AST) requesting a waiver with respect to a launch license for flight of a Falcon 9 launch vehicle carrying ORBCOMM–2 satellites. SpaceX requested a waiver of 14 CFR 417.107(b)(1), which prohibits the launch of an expendable launch vehicle if the total expected average number of casualties (E_c) for the launch exceeds 0.00003 for risk from debris. Because the scheduled launch was planned to occur in less than sixty days, SpaceX also requested a waiver to section 404.3(b)(5), which requires that a petition for waiver be submitted at least sixty days before the proposed effective date of the waiver, which in this case would be the date of the planned launch.

The FAA licenses the launch of a launch vehicle and reentry of a reentry vehicle under authority granted to the Secretary of Transportation in the Commercial Space Launch Act of 1984, as amended and re-codified by 51 U.S.C. Subtitle V, chapter 509 (Chapter 509), and delegated to the FAA Administrator and the Associate Administrator for Commercial Space Transportation, who exercises licensing authority under Chapter 509.

SpaceX is a private commercial space flight company. The petition addresses an upcoming flight that SpaceX plans to undertake to deliver the ORBCOMM–2 satellites. SpaceX's Falcon 9 launch vehicle will launch from Cape Canaveral Air Force Station (CCAFS) and its first stage will fly back to CCAFS for landing.

The U.S. Air Force advised SpaceX that the preliminary calculation of E_c for the launch, including the planned first stage fly back, shows the launch would exceed the 0.00003 limit imposed by section 417.107(b)(1). The 45th Space Wing Range Safety calculated the total unmitigated E_c for the mission to be 0.000118 based on daytime populations on CCAFS, the worst-case December weather within the 45th Space Wing Range Safety data files, and 0.9665 reliability assigned to the flight computer with autonomous engine shutdown algorithms. The reliability of the human-activated flight termination system is 0.999. With mitigation, namely, the evacuation of all non-

essential personnel including visitors and press from CCAFS, risk drops to as low as 86×10^{-6} expected casualties, which is within the Air Force's criteria of 100×10^{-6} expected casualties for the sum of risks due to impacting inert and impacting explosive debris, toxic release, and far field blast overpressure. Analysis indicates that almost all the risk is due to debris, with the risk associated with the latter two hazards not contributing to the overall risk. The risk for debris is comprised of 76×10^{-6} for ascent and fly back, with almost all of that risk coming from the fly back of the Falcon 9 first stage to CCAFS. Downrange overflight of Europe contributes 7×10^{-6}, and the planned disposal of the Falcon 9 upper stage in the southern Pacific Ocean contributes less than 3×10^{-6}. The FAA recognizes that any estimate of the E_c for any launch includes substantial uncertainties, and presenting these risk results as precise numbers implies better accuracy than actually exists. However, this type of presentation does allow showing the relative contributions of each of the risk components. Further, the risk computed on the day of launch may be different from the current estimate above.

Waiver Criteria

Chapter 509 allows the FAA to waive a license requirement if the waiver (1) will not jeopardize public health and safety, safety of property; (2) will not jeopardize national security and foreign policy interests of the United States; and (3) will be in the public interest. 51 U.S.C. 50905(b)(3) (2011); 14 CFR 404.5(b) (2011).

Section 404.3(b)(5) Waiver Petition

Section 404.3(b)(5) requires that a petition for waiver be submitted at least sixty days before the proposed effective date of the waiver, which in this case would be the date of the planned launch, currently scheduled for December 19, 2015. This section also provides that a petition may be submitted late for good cause. Here, SpaceX initially submitted its waiver on November 19, 2015, which it revised on November 24, 2015, less than sixty days before the intended launch date. SpaceX needed the results of the initial analysis by the 45th Space Wing Range Safety before it was evident that a waiver of the E_c requirement would be required. Accordingly, the FAA is able to find good cause.

Section 417.107(b)(1) Waiver Petition

Section 417.107(b)(1) prohibits the launch of a launch vehicle if the total E_c for the launch exceeds 0.00003 for debris. For reasons described below and in order to account for the potential variation in the E_c computed on the day of launch, the FAA will allow SpaceX to conduct a mission where the expected casualty risk due to impacting inert and impacting explosive debris exceeds 30×10^{-6} casualties, provided the sum of the expected casualty risk due to debris, toxics, and far field blast overpressure remains less than or equal to 100×10^{-6}, which is the Air Force's criterion. The expected casualty risks due to toxics and far field blast overpressure shall each remain less than or equal to 30×10^{-6} in accordance with 14 CFR 417.107(b)(1).

Launch of the Falcon 9 Vehicle

The FAA waives the debris risk requirement of section 417.107(b)(1) because the Falcon 9 launch will not jeopardize public health and safety or safety of property, a national security or foreign policy interest of the United States, and is in the public interest.

i. Public Health and Safety and Safety of Property

The Falcon 9 ORBCOMM–2 launch is the first launch of an orbital expendable launch vehicle with a planned fly back of one of its stages to the launch site. SpaceX has attempted two landings of its Falcon 9 first stage on a barge on the ocean off CCAFS. The stages reached their intended landing spot, but did not survive the landings. In neither case was public health or safety or safety of third party property jeopardized. The damage to SpaceX's barge was minimal. The USAF conducted an assessment of the risk to property on CCAFS and has determined that the risks are acceptable.

The total risk that will be permitted will not exceed the expected casualty criterion proposed by the FAA in *Changing the Collective Risk Limits for Launches and Reentries and Clarifying the Risk Limit Use to Establish Hazard Areas for Ships and Aircraft,* Notice of Proposed Rulemaking, 79 FR 42241 (Jul. 21, 2014) (Risk NPRM), and used by NASA, the United States Air Force, and other U.S. National Test Ranges. *See* U.S. Air Force Instruction 91–217, *Space Safety and Mishap Prevention Program* (2010); NASA Procedural Requirements 8715.5 Rev A, *Range Flight Safety Program* (2010); Range Commanders Council (RCC) Standard 321–10, *Common Risk Criteria Standards for National Test Ranges* (2010). The major contribution to E_c for this launch of the Falcon 9 is attributable to the fly back of its first stage to CCAFS. As part of this mission, SpaceX intends to demonstrate the feasibility of returning the first stage to the launch site for its eventual reuse instead of disposing it in the ocean.

The current E_c requirement for government launches from U.S. National Test Ranges is that risk from launch may not exceed 100×10^{-6}, which, because it is comprised of the sum of the risks from the three principal hazards of debris, toxics, and overpressure, means that the federal launch ranges can permit the risk attributable to debris to exceed the FAA's risk threshold. *See* Air Force Instruction 91–217, *Space Safety and Mishap Prevention Program* (2010). The FAA recently proposed a rule similar to that of U.S. National Test Ranges that would permit launch to occur so long as the total risk did not exceed 0.0001. The FAA has previously waived section 417.107(b)(1) to allow SpaceX to conduct a launch whose total E_c was calculated to be between approximately 98×10^{-6} and 121×10^{-6}, and, accounting for potential variation on the day of launch, allowed SpaceX to conduct the mission as long as E_c did not exceed 0.00013. 77 FR 24556–01, 2012 WL 1387813. For the reasons provided in the Risk NPRM and previous waivers, the FAA considers the estimated risk of 86×10^{-6} will not jeopardize public safety.

ii. National Security and Foreign Policy Implications

The FAA has identified no national security or foreign policy implications associated with granting this waiver.

iii. Public Interest

The waiver is consistent with the public interest goals of Chapter 509 and the National Space Transportation Policy. Three of the public policy goals of Chapter 509 are: (1) To promote economic growth and entrepreneurial activity through use of the space environment; (2) to encourage the United States private sector to provide launch and reentry vehicles and associated services; and (3) to facilitate the strengthening and expansion of the United States space transportation infrastructure to support the full range of United States space-related activities. *See* 51 U.S.C. 50901(b)(1), (2), (4). *Commercial Space Transportation Licensing Regulations, Notice of Proposed Rulemaking,* 62 FR 13230 (Mar. 19, 1997). A successful demonstration of a stage returning to a launch site has the potential for reducing launch costs. As it is a major procurer of launch services, reduced launch costs will be of direct benefit to the U.S. Government. It will also help to make the U.S. launch industry more competitive internationally. The

National Space Transportation Policy clearly identifies how strengthening US competitiveness in the international launch market and improving the cost effectiveness of US space transportation services are in the public interests: ''Maintaining an assured capability to meet United States Government needs, while also taking the necessary steps to strengthen U.S. competitiveness in the international commercial launch market, is important to ensuring that U.S. space transportation capabilities will be reliable, robust, safe, and affordable in the future. Among other steps, improving the cost effectiveness of U.S. space transportation services could help achieve this goal by allowing the United States Government to invest a greater share of its resources in other needs such as facilities modernization, technology advancement, scientific discovery, and national security. Further, a healthier, more competitive U.S. space transportation industry would facilitate new markets, encourage new industries, create high technology jobs, lead to greater economic growth and security, and would further the Nation's leadership role in space.'' SpaceX's proposed demonstration is in the public interest.

Issued in Washington, DC, on December 18, 2015.

Kenneth Wong,

Commercial Space Transportation, Licensing and Evaluation Division Manag.

[FR Doc. 2016–00443 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–15–74]

Petition for Exemption; Summary of Petition Received; Monarch, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 1, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–3442 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dan Ngo (202) 267–4264, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 7, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–3442.
Petitioner: Monarch, Inc.
Section(s) of 14 CFR Affected: 21 Subpart H, 45.23(b), 61.113(a) and (b), 91.7(a), 91.9(b)(2), 91.103, 91.109(a), 91.119(c), 91.121, 91.151(a) and (b), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (a)(2), and 91.417(a) and (b)

Description of Relief Sought: The petitioner requests to use a UAS to provide a small medical delivery service between Ridgecrest Regional Hospital and its remote rural satellite clinics beyond visual line of sight of the PIC.

[FR Doc. 2016–00415 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0347]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 28 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before [*Insert date 30 days after date of publication in the* **Federal Register**]. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0347 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 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, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for 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.'' FMCSA can renew exemptions at the end of each 2-year period. The 28 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

David W. Anderson

Mr. Anderson, 47, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, ''It is my opinion that David's vision is more than sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Anderson reported that he has driven straight trucks for 19 years, accumulating 190,000 miles and tractor-trailer combinations for 19 years, accumulating 190,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles H. Baim

Mr. Baim, 57, has had a retinal detachment in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/150. Following an examination in 2015, his optometrist stated, ''In my medical opinion, Mr. Bain has sufficient vision to p0erform [*sic*] the driving tasks required to operate a commercial vehicle.'' Mr. Baim reported that he has driven tractor-trailer combinations for 35 years, accumulating 2.1 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Troy C. Blackburn

Mr. Blackburn, 40, has had an embryonic cataract in his right eye since childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''Based on Mr. Blackburn's exemplary driving records, and the excellent vision he possesses in his left eye, I strongly feel that he has the necessary vision to be a safe and effective truck driver/operator.'' Mr. Blackburn reported that he has driven straight trucks for 11 years, accumulating 385,000 miles and tractor-trailer combinations for 11 years, accumulating 363,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Johnnie E. Byler

Mr. Byler, 38, has had refractive amblyopia in his right eye since birth. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In my opinion, Johnnie's corrected vision and ocular health status are adequate for him operate [sic] the driving tasks required to operate a commercial vehicle.'' Mr. Byler reported that he has driven straight trucks for 6 years, accumulating 498,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Raymond E. Catanio

Mr. Catanio, 75, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2015, his ophthalmologist stated, ''In my medical opinion, he has sufficient vision to perform tasks required to operate a commercial vehicle.'' Mr. Catanio reported that he has driven straight trucks for 55 years, accumulating 2.2 million miles and tractor-trailer combinations for 55 years, accumulating 165,000 miles. He holds a Class A CDL from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dana L. Colberg

Mr. Colberg, 63, has optic atrophy in his left eye due to a traumatic incident in 1971. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2015, his optometrist stated, ''In my opinion, Dana's right eye provides vision sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Colberg reported that he has driven straight trucks for 5 years, accumulating 225,000 miles and tractor-trailer combinations for 32 years, accumulating 2.72 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Peter D. Costas

Mr. Costas, 56, has had a retinal detachment in his right eye since 2009. The visual acuity in his right eye is 20/400, and in his left eye, 20/30. Following an examination in 2015, his ophthalmologist stated, ''It is my clinical opinion that he is able to drive and has sufficient visualization to meet the criteria for commercial vehicle operation and that his visual acuity has been stable since his last operation, which was in 2010.'' Mr. Costas reported that he has driven straight trucks for 28 years, accumulating 420,000 miles. He holds a operator's

license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Darrin G. Davis

Mr. Davis, 49, has had strabismic amblyopia in his right eye since birth. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In my medical opinion, Mr [sic] Davis has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle.'' Mr. Davis reported that he has driven tractor-trailer combinations for 25 years, accumulating 3 million miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Rene Hernandez Gonzalez

Mr. Hernandez Gonzalez, 44, has had strabismus amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/500. Following an examination in 2015, his optometrist stated, ''Patient does have sufficient vision OU to operate a commercial vehicle, but the field of vision has not been examined at our office today.'' Mr. Hernandez Gonzalez reported that he has driven straight trucks for 3 years, accumulating 48,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Johnnie W. Hines, Jr.

Mr. Hines, 49, has complete loss of vision in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''He has sufficient vision on [sic] OS to perform commercial vehicle driving tasks with the assistance of passenger and drivers side mirrors.'' Mr. Hines reported that he has driven straight trucks for 15 years, accumulating 750,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dean L. Knutson

Mr. Knutson, 61, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''I also certify, that in my medical opinion, the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Knutson reported that he has driven straight trucks for 5 years, accumulating 180,000 miles. He holds a Class A3 CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Melvin L. Lester

Mr. Lester, 52, has complete loss of vision in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, ''It is my opinion that Mr. Lester is capable of perform [sic] the driving tasks required to operate a commercial vehicle.'' Mr. Lester reported that he has driven straight trucks for 8 years, accumulating 576,000 miles, and tractor-trailer combinations for 16 years, accumulating 1.84 million miles. He holds a Class A CDL from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gerald R. Metzler

Mr. Metzler, 60, has a prosthetic right eye due to a traumatic incident in 1962. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In my medical opinion Gerald Metzler has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Metzler reported that he has driven straight trucks for 31 years, accumulating 542,500 miles and tractor-trailer combinations for 3 years, accumulating 24,000 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kory M. Nelson

Mr. Nelson, 32, has a prosthetic left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2015, his ophthalmologist stated, ''The examination of the right eye is entirely normal with the exception of mild refractive error which has not changed significantly when compared to his current glasses. I believe that he is able to perform the driving tasks required to operate a commercial vehicle.'' Mr. Nelson reported that he has driven straight trucks for 3 years, accumulating 262,500. He holds an operator's license from Maryland. His driving record for the last 3 years shows no crashes and 2 convictions for moving violations in a CMV; in one he exceeded the speed limit by 15 mph and in the other he was impeding traffic with a commercial motor vehicle.

Douglas L. Peterson

Mr. Peterson, 76, has had age-related macular degeneration in his left eye since 2010. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his ophthalmologist stated, ''In my medical opinion, Douglas Peterson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Peterson reported that he has driven straight trucks for 35 years, accumulating 700,000 miles, and tractor-trailer combinations for 10 years, accumulating 750,000 miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ramon S. Puente

Mr. Puente, 34, has a macular scar in his right eye due to a traumatic incident in 2003. The visual acuity in his right eye is 20/300, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''I certify that his medical/visual condition does NOT preclude him from operating a commercial vehicle.'' Mr. Puente reported that he has driven straight trucks for 10 years, accumulating 3,500 miles and tractor-trailer combinations for 10 years, accumulating 3,500 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dennis W. Rhoades

Mr. Rhoades, 59, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''It remains my opinion that Mr. Dennis Rhoades has more that [*sic*] sufficient vision to safely operate a commercial vehicle.'' Mr. Rhoades reported that he has driven straight trucks for 39 years, accumulating 1.17 million miles and tractor-trailer combinations for 39 years, accumulating 585,000 miles. He holds a Class A CDL from Vermont. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jose H. Rivas

Mr. Rivas, 56, has optic nerve damage in his left eye due to a traumatic

incident in 1987. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his ophthalmologist stated, ''I certify in my medical opinion Mr. Rivas is able to perform the task required to operate a commercial vehicle.'' Mr. Rivas reported that he has driven tractor-trailer combinations for 32 years, accumulating 576,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph T. Saba

Mr. Saba, 36, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/160, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''The amblyopia in his right eye has not changed since I first examined him on 7/28/1998 . . . In my opinion has condition has not changed and therefore should not restrict ability to operate a commercial motor vehicle.'' Mr. Saba reported that he has driven straight trucks for 15 years, accumulating 375,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

LeRoy W. Scharkey

Mr. Scharkey, 74, has had a corneal scar in his left since 2005. The visual acuity in his right eye is 20/25, and in his left eye, 20/100. Following an examination in 2015, his optometrist stated, ''In my opinion, Mr. Scharkey has sufficient vision to perform vision tasks required to operate a commercial vehicle.'' Mr. Scharkey reported that he has driven straight trucks for 5 years, accumulating 50,000 miles, tractor-trailer combinations for 5 years, accumulating 12,500 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roger H. Schwisow

Mr. Schwisow, 72, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''Based on this testing I would say that in my opinion he has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Schwisow reported that he has driven straight trucks for 59 years, accumulating 1.18 million miles, tractor-trailer combinations for 44 years, accumulating 220,000 miles. He holds a Class B CDL from Nebraska. His driving record for the last 3 years shows no crashes and 1 conviction for a moving violation in a CMV; he exceeded the speed limit by 6–10 MPH.

Walton W. Smith, Jr.

Mr. Smith, Jr., 62, has a prosthetic right eye due to a traumatic incident in 1971. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In my opinion Mr. Smith has sufficient vision to continue safely operating a commercial vehicle.'' Mr. Smith reported that he has driven straight trucks for 40 years, accumulating 120,000 miles, tractor-trailer combinations for 30 years, accumulating 450,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dustin W. Tharp

Mr. Tharp, 34, has had a prosthetic right eye due to a persistent primary hyperplastio vitreous since childhood. The visual acuity in his right eye has no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''It is my medical opinion that Mr. Tharp has sufficient vision to perform the driving task required to operate a commercial vehicle.'' Mr. Tharp reported that he has driven straight trucks for 8 months, accumulating 15,000 miles and tractor-trailer combinations for 15 years, accumulating 187,500 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Aaron D. Tillman

Mr. Tillman, 48, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''It is my opinion that his vision is sufficient to drive and operate a commercial vehicle.'' Mr. Tillman reported that he has driven straight trucks for 5 years, accumulating 340,000 miles, tractor-trailer combinations for 8 years, accumulating 680,000 miles, and buses for 2 years, accumulating 38,000 miles. He holds a Class CA CDL from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Larry J. Weber

Mr. Weber, 73, has had refractive amblyopia in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, 20/200. Following an examination in 2015, his optometrist stated, ''In my medical opinion, Larry Weber has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Weber reported that he has driven straight trucks for 2 years, accumulating 24,000 miles, tractor-trailer combinations for 40 years, accumulating 2.6 million miles, and buses for 3 years, accumulating 240,000 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; the driver was cited for improper/erratic lane change.

Richard N. Wescott

Mr. Wescott, 50, has had refractive amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2015, his optometrist stated, ''Mr. Wescott has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Wescott reported that he has driven tractor-trailer combinations for 13 years, accumulating 1.43 million miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Oscar M. Wilkins

Mr. Wilkins, 65, has had reduced vision due to retinal membrane in his left eye since 2010. The visual acuity in his right eye is 20/25, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, ''It is my professional opinion that Mr. Wilkins has adequate visual skills to operate commercial vehicles without restrictions.'' Mr. Wilkins reported that he has driven straight trucks for 35 years, accumulating 700,000 miles, and tractor-trailer combinations for 35 years, accumulating 700,000 miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Rodney W. Wright

Mr. Wright, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/60. Following an examination in 2015, his optometrist stated, ''As a result, without question, it is my professional medical opinion that

Rodney has more than sufficient vision to perform all the tasks necessary for operating a commercial vehicle.'' Mr. Wright reported that he has driven straight trucks for 20 years, accumulating 520,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2015–0347 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. 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 change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2015–0347 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Dated: December 31, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–00472 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket FTA–2016–0001]

Notice of Establishment of Emergency Relief Docket for Calendar Year 2016

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: By this notice, the Federal Transit Administration (FTA) is establishing an Emergency Relief Docket for calendar year 2016 so grantees and subgrantees affected by national or regional emergencies may request temporary relief from FTA administrative and statutory requirements.

FOR FURTHER INFORMATION CONTACT: Bonnie L. Graves, Assistant Chief Counsel for Legislation and Regulations, Office of Chief Counsel, Federal Transit Administration, 1200 New Jersey Ave. SE., Room E56–306, Washington, DC 20590, phone: (202) 366–4011, fax: (202) 366–3809, or email, *Bonnie.Graves@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to title 49 CFR part 601, subpart D, FTA is establishing the Emergency Relief Docket for calendar year 2016. Subsequent to an emergency or major disaster, the docket may be opened at the request of a grantee or subgrantee, or on the Administrator's own initiative.

In the event a grantee or subgrantee believes the Emergency Relief Docket should be opened and it has not been opened, that grantee or subgrantee may submit a petition in duplicate to the Administrator, via U.S. mail, to: Federal Transit Administration, 1200 New Jersey Ave. SE., Washington, DC 20590; via telephone, at: (202) 366–4011; via fax, at (202) 366–3472, or via email, to *Bonnie.Graves@dot.gov,* requesting opening of the Docket for that emergency and including the information set forth below.

Section 5324(d) of title 49, U.S.C. provides that a grant awarded under section 5324 or under 49 U.S.C. 5307 or 49 U.S.C. 5311 that is made to address an emergency shall be subject to the terms and conditions the Secretary determines are necessary. This language allows FTA to waive statutory, as well as administrative, requirements. Therefore, grantees affected by an emergency or major disaster may request waivers of provisions of chapter 53 of title 49, U.S.C. when a grantee or subgrantee demonstrates the requirement(s) will limit a grantee's or subgrantee's ability to respond to an emergency. Grantees must follow the procedures set forth below when requesting a waiver of statutory or administrative requirements.

All petitions for relief from a provision of chapter 53 of title 49, U.S.C. or FTA administrative requirements must be posted in the docket in order to receive consideration by FTA. The docket is publicly available and can be accessed 24 hours a day, seven days a week, via the Internet at *www.regulations.gov*. Petitions may also be submitted by U.S. mail or by hand delivery to the DOT Docket Management Facility, 1200 New Jersey Ave. SE., Room W12–140, Washington, DC 20590. Any grantee or subgrantee submitting petitions for relief or comments to the docket must include the agency name (Federal Transit Administration) and docket number FTA–2016–0001. Grantees and subgrantees making submissions to the docket by mail or hand delivery should submit two copies. Grantees and subgrantees are strongly encouraged to contact their FTA regional office and notify FTA of the intent to submit a petition to the docket.

In the event a grantee or subgrantee needs to request immediate relief and does not have access to electronic means to request that relief, the grantee or subgrantee may contact any FTA regional office or FTA headquarters and request that FTA staff submit the petition on its behalf.

A petition for relief shall:

(a) Identify the grantee or subgrantee and its geographic location;

(b) Identify the section of chapter 53 of title 49, U.S.C., or the FTA policy statement, circular, guidance document and/or rule from which the grantee or subgrantee seeks relief;

(c) Specifically address how a requirement in chapter 53 of title 49 U.S.C., or an FTA requirement in a policy statement, circular, agency guidance or rule will limit a grantee's or subgrantee's ability to respond to an emergency or disaster; and

(d) Specify if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the

relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

A petition for relief from administrative requirements will be conditionally granted for a period of three (3) business days from the date it is submitted to the Emergency Relief Docket. FTA will review the petition after the expiration of the three business days and review any comments submitted thereto. FTA may contact the grantee or subgrantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision. FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and the comments submitted regarding the petition. If FTA does not respond to the request for relief to the docket within three business days, the grantee or subgrantee may assume its petition is granted for a period not to exceed three months until and unless FTA states otherwise.

A petition for relief from statutory requirements will not be conditionally granted and requires a written decision from the FTA Administrator.

Pursuant to section 604.2(f) of FTA's Charter Rule (73 FR 2325, Jan. 14, 2008), grantees and subgrantees may assist with evacuations or other movement of people that might otherwise be considered charter transportation when that transportation is in response to an emergency declared by the President, governor, or mayor, or in an emergency requiring immediate action prior to a formal declaration, even if a formal declaration of an emergency is not eventually made by the President, governor or mayor. Therefore, a request for relief is not necessary in order to provide this service. However, if the emergency lasts more than 45 calendar days, the grantee or subgrantee shall follow the procedures set out in this notice.

FTA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the three business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if it plans to reconsider a decision. FTA decision letters, either granting or denying a petition, shall be posted in the Emergency Relief Docket and shall reference the document number of the petition to which it relates.

Therese McMillan,

Acting Administrator.

[FR Doc. 2016–00422 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 10:30 a.m. to 12:30 p.m. (EDT) on Tuesday, February 9, 2016, at the Marriott Downtown at Key Center, 127 Public Square, Cleveland, Ohio 44114.

The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Thursday, February 4, 2016, Charles Wipperfurth, Deputy Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE., Washington, DC 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on January 7, 2016.

Carrie Lavigne,

Chief Counsel.

[FR Doc. 2016–00395 Filed 1–11–16; 8:45 am]

BILLING CODE 4910–61–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—January 21, 2016, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Dennis Shea, Chairman of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on Thursday, January 21, 2016, on ''Developments in China's Military Force Projection and Expeditionary Capabilities.''

Background: This is the first public hearing the Commission will hold during its 2016 report cycle to collect input from academic and industry experts concerning the national security implications of China's military modernization efforts for the United States. The hearing will focus on key developments in the security sphere concerning China's interest in its military pursuing joint expeditionary and force projection capabilities. It will seek to understand the implications of China's interest in developing expeditionary and force projection capabilities for United States, U.S. allies, and partners in the Asia Pacific. The hearing will be co-chaired by Commissioners Jeffrey L. Fiedler and Larry M. Wortzel. Any interested party may file a written statement by January 21, 2016, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Location, Date and Time: Room: SD–106, Dirksen Senate Office Building. Thursday, January 21, 2016, start time is 9:00 am. A detailed agenda for the hearing will be posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Anthony DeMarino, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; phone: 202–624–1496, or via email at *ademarino@uscc.gov. Reservations are not required to attend the hearing.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108

(November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: January 7, 2016.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2016–00344 Filed 1–11–16; 8:45 am]

BILLING CODE 1137–00–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

DATES: Friday, January 22, 2016 (10:00 a.m.–2:00 p.m.).

ADDRESSES: 2301 Constitution Avenue NW., Washington, DC 20037.

SUPPLEMENTARY INFORMATION:

Status: Open Session—Portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

Agenda: January 22, 2016 Board Meeting; Approval of Minutes of the One Hundred Fifty-Seventh Meeting (October 23, 2015) of the Board of Directors; Chairman's Report; Vice Chairman's Report; President's Report; Reports from USIP Board Committees; USIP Preventing Electoral Violence Presentation; USIP Myanmar Team Presentation.

Contact: Nick Rogacki, Special Assistant to the President, Email: *nrogacki@usip.org.*

Dated: January 6, 2016.

Nicholas Rogacki,

Special Assistant to the President.

[FR Doc. 2016–00407 Filed 1–11–16; 8:45 am]

BILLING CODE 6820–AR–P

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Federal Register

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Tuesday, January 12, 2016

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 23, 2015

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