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Presidential Documents

Title 3—

The President

Executive Order 13718 of February 9, 2016

Commission on Enhancing National Cybersecurity

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance cybersecurity awareness and protections at all levels of Government, business, and society, to protect privacy, to ensure public safety and economic and national security, and to empower Americans to take better control of their digital security, it is hereby ordered as follows:

Section 1. *Establishment.* There is established within the Department of Commerce the Commission on Enhancing National Cybersecurity (Commission).

Sec. 2. *Membership.* (a) The Commission shall be composed of not more than 12 members appointed by the President. The members of the Commission may include those with knowledge about or experience in cybersecurity, the digital economy, national security and law enforcement, corporate governance, risk management, information technology (IT), privacy, identity management, Internet governance and standards, government administration, digital and social media, communications, or any other area determined by the President to be of value to the Commission. The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate are each invited to recommend one individual for membership on the Commission. No federally registered lobbyist or person presently otherwise employed by the Federal Government may serve on the Commission.

(b) The President shall designate one member of the Commission to serve as the Chair and one member of the Commission to serve as the Vice Chair.

Sec. 3. *Mission and Work.* The Commission will make detailed recommendations to strengthen cybersecurity in both the public and private sectors while protecting privacy, ensuring public safety and economic and national security, fostering discovery and development of new technical solutions, and bolstering partnerships between Federal, State, and local government and the private sector in the development, promotion, and use of cybersecurity technologies, policies, and best practices. The Commission's recommendations should address actions that can be taken over the next decade to accomplish these goals.

(a) In developing its recommendations, the Commission shall identify and study actions necessary to further improve cybersecurity awareness, risk management, and adoption of best practices throughout the private sector and at all levels of government. These areas of study may include methods to influence the way individuals and organizations perceive and use technology and approach cybersecurity as consumers and providers in the digital economy; demonstrate the nature and severity of cybersecurity threats, the importance of mitigation, and potential ways to manage and reduce the economic impacts of cyber risk; improve access to the knowledge needed to make informed cyber risk management decisions related to privacy, economic impact, and business continuity; and develop partnerships with industry, civil society, and international stakeholders. At a minimum, the Commission shall develop recommendations regarding:

(i) how best to bolster the protection of systems and data, including how to advance identity management, authentication, and cybersecurity

of online identities, in light of technological developments and other trends;

(ii) ensuring that cybersecurity is a core element of the technologies associated with the Internet of Things and cloud computing, and that the policy and legal foundation for cybersecurity in the context of the Internet of Things is stable and adaptable;

(iii) further investments in research and development initiatives that can enhance cybersecurity;

(iv) increasing the quality, quantity, and level of expertise of the cybersecurity workforce in the Federal Government and private sector, including through education and training;

(v) improving broad-based education of commonsense cybersecurity practices for the general public; and

(vi) any other issues that the President, through the Secretary of Commerce (Secretary), requests the Commission to consider.

(b) In developing its recommendations, the Commission shall also identify and study advances in technology, management, and IT service delivery that should be developed, widely adopted, or further tested throughout the private sector and at all levels of government, and in particular in the Federal Government and by critical infrastructure owners and operators. These areas of study may include cybersecurity technologies and other advances that are responsive to the rapidly evolving digital economy, and approaches to accelerating the introduction and use of emerging methods designed to enhance early detection, mitigation, and management of cyber risk in the security and privacy, and business and governance sectors. At a minimum, the Commission shall develop recommendations regarding:

(i) governance, procurement, and management processes for Federal civilian IT systems, applications, services, and infrastructure, including the following:

(A) a framework for identifying which IT services should be developed internally or shared across agencies, and for specific investment priorities for all such IT services;

(B) a framework to ensure that as Federal civilian agencies procure, modernize, or upgrade their IT systems, cybersecurity is incorporated into the process;

(C) a governance model for managing cybersecurity risk, enhancing resilience, and ensuring appropriate incident response and recovery in the operations of, and delivery of goods and services by, the Federal Government; and

(D) strategies to overcome barriers that make it difficult for the Federal Government to adopt and keep pace with industry best practices;

(ii) effective private sector and government approaches to critical infrastructure protection in light of current and projected trends in cybersecurity threats and the connected nature of the United States economy;

(iii) steps State and local governments can take to enhance cybersecurity, and how the Federal Government can best support such steps; and

(iv) any other issues that the President, through the Secretary, requests the Commission to consider.

(c) To accomplish its mission, the Commission shall:

(i) reference and, as appropriate, build on successful existing cybersecurity policies, public-private partnerships, and other initiatives;

(ii) consult with cybersecurity, national security and law enforcement, privacy, management, technology, and digital economy experts in the public and private sectors;

(iii) seek input from those who have experienced significant cybersecurity incidents to understand lessons learned from these experiences, including identifying any barriers to awareness, risk management, and investment;

(iv) review reported information from the Office of Management and Budget regarding Federal information and information systems, including legacy systems, in order to assess critical Federal civilian IT infrastructures, governance, and management processes;

(v) review the impact of technological trends and market forces on existing cybersecurity policies and practices; and

(vi) examine other issues related to the Commission's mission that the Chair and Vice Chair agree are necessary and appropriate to the Commission's work.

(d) Where appropriate, the Commission may conduct original research, commission studies, and hold hearings to further examine particular issues.

(e) The Commission shall be advisory in nature and shall submit a final report to the President by December 1, 2016. This report shall be published on a public Web site along with any appropriate response from the President within 45 days after it is provided to the President.

Sec. 4. *Administration.* (a) The Commission shall hold periodic meetings in public forums in an open and transparent environment.

(b) In carrying out its mission, the Commission shall be informed by, and shall strive to avoid duplicating, the efforts of other governmental entities.

(c) The Commission shall have a staff, headed by an Executive Director, which shall provide support for the functions of the Commission. The Secretary shall appoint the Executive Director, who shall be a full-time Federal employee, and the Commission's staff. The Executive Director may also serve as the Designated Federal Officer in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (FACA, the ''Act'').

(d) The Executive Director, in consultation with the Chair and Vice Chair, shall have the authority to create subcommittees as necessary to support the Commission's work and to examine particular areas of importance. These subcommittees must report their work to the Commission to inform its final recommendations.

(e) The Secretary will work with the heads of executive departments and agencies, to the extent permitted by law and consistent with their ongoing activities, to provide the Commission such information and cooperation as it may require for purposes of carrying out its mission.

Sec. 5. *Termination.* The Commission shall terminate within 15 days after it presents its final report to the President, unless extended by the President.

Sec. 6. *General Provisions.* (a) To the extent permitted by law, and subject to the availability of appropriations, the Secretary shall direct the Director of the National Institute of Standards and Technology to provide the Commission with such expertise, services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission.

(b) Insofar as FACA may apply to the Commission, any functions of the President under that Act, except for those in section 6 and section 14 of that Act, shall be performed by the Secretary.

(c) Members of the Commission shall serve without any compensation for their work on the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(d) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
February 9, 2016.

[FR Doc. 2016–03038
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Rules and Regulations

Federal Register

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Friday, February 12, 2016

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 601

[Docket No. FDA–2015–N–2103]

Removal of Review and Reclassification Procedures for Biological Products Licensed Prior to July 1, 1972

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is removing two regulations that prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972. FDA is taking this action because the two regulations are obsolete and no longer necessary in light of other statutory and regulatory authorities established since 1972, which allow FDA to evaluate and monitor the safety and effectiveness of all biological products. In addition, other statutory and regulatory authorities authorize FDA to revoke a license for biological products because they are not safe and effective, or are misbranded. FDA is taking this action as part of its retrospective review of its regulations to promote improvement and innovation.

DATES: This rule is effective March 14, 2016.

ADDRESSES: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number found in brackets in the heading of this final rule into the ''Search'' box and follow the prompts, and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1062, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jessica T. Walker, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

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I. Executive Summary

A. Purpose of the Final Rule

FDA is removing two regulations that prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972, because the two regulations are obsolete and no longer necessary in light of other statutory and regulatory authorities established since 1972. These other statutory and regulatory authorities allow FDA to evaluate and monitor the safety and effectiveness of all biological products and authorize FDA to revoke a license for products because they are not safe and effective, or are misbranded.

B. Summary of the Major Provisions of the Final Rule

The final rule removes §§ 601.25 and 601.26 (21 CFR 601.25 and 601.26), which prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972.

C. Legal Authority

FDA is taking this action under the biological products provisions of the Public Health Service Act (the PHS Act), and the drugs and general administrative provisions of the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

D. Costs and Benefits

Because this final rule would not impose any additional regulatory burdens, this regulation is not anticipated to result in any compliance costs and the economic impact is expected to be minimal.

II. Background

A. History of the Rulemaking

In the **Federal Register** of July 2, 2015 (80 FR 38145), FDA proposed to remove regulations that prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972. As discussed in the preamble to the proposed rule, these regulations were originally issued after the Director of the National Institutes of Health (NIH) announced in the **Federal Register** on March 15, 1972, that the Division of Biologics Standards, NIH, would review the effectiveness of all licensed biologicals (37 FR 5404). In the **Federal Register** of June 29, 1972 (37 FR 12865), FDA announced the transfer of regulatory authority over biological products from the Division of Biologics Standards, NIH, to FDA. After obtaining regulatory authority over biological products, the Commissioner of FDA proposed procedures for reviewing the safety, effectiveness, and labeling of all biological products licensed at the time of the transfer on July 1, 1972 (37 FR 16679, August 18, 1972). The procedures for review of biological products licensed before July 1, 1972, were codified in 21 CFR 273.245 (38 FR 4319 at 4321, February 13, 1973) and later redesignated to § 601.25 (38 FR 32048, November 20, 1973). The procedures for review of biological products licensed before July 1, 1972, were supplemented by procedures codified in § 601.26 (47 FR 44062, October 5, 1982).

B. Current Methods for Ensuring the Safety and Effectiveness of Biological Products

Since establishing the procedures under §§ 601.25 and 601.26, FDA developed new regulations to assess and ensure the safety and efficacy of biological products. FDA issued the Current Good Manufacturing Practice (cGMP) regulations, which contain the minimum cGMP for preparation of drug products, including biological products. The cGMP regulations help FDA ensure that such products meet the requirements for product safety, effectiveness, and labeling. FDA also helps ensure the safety and effectiveness of biological products through application of other regulations, such as the reporting of biological product deviations by licensed manufacturers (see 21 CFR 600.14), postmarketing reporting of adverse experiences (21 CFR 600.80), and labeling regulations (for example, 21 CFR part 201). Biological products that do not meet the requirements under these regulations are subject to license revocation under 21 CFR 601.5, which allows FDA to revoke any biologics license for a product that fails to meet applicable standards and fails to comply with

regulations designed to help ensure the safety, purity, and potency of the licensed product, and that the product is not misbranded.

In addition, FDA continues to help ensure the safety and effectiveness of licensed biological products through the development and application of additional standards and mechanisms. These mechanisms assist FDA in evaluating and monitoring the safety and effectiveness of biological products.

C. Summary of Comments to the Proposed Rule

FDA did not receive any comments on the proposed rule.

D. General Overview of the Final Rule

The final rule removes §§ 601.25 and 601.26 of the regulations, which prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972. FDA is taking this action because these regulations are obsolete and no longer necessary in light of other statutory and regulatory authorities established since 1972, which allow FDA to evaluate and monitor the safety and effectiveness of all biological products.

III. Legal Authority

FDA is issuing this regulation under the biological products provisions of the PHS Act (42 U.S.C. 262 and 264) and the drugs and general administrative provisions of the FD&C Act (sections 201, 301, 501, 502, 503, 505, 510, 701, and 704 (21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 371, and 374)). Under these provisions of the PHS Act and the FD&C Act, we have the authority to issue and enforce regulations designed to ensure that biological products are safe, pure, and potent; and to prevent the introduction, transmission, and spread of communicable disease.

IV. Economic Analysis of Impacts

We have examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). We believe that this final rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this final rule removes regulations that are obsolete and no longer necessary in light of other current statutory and regulatory authorities, FDA certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before issuing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $144 million, using the most current (2014) Implicit Price Deflator for the Gross Domestic Product. This final rule would not result in any 1-year expenditure that would meet or exceed this amount.

V. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant adverse effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by OMB under the Paperwork Reduction Act of 1995 is not required.

VII. Federalism

We have analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that would have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the Agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 21 CFR Part 601

Administrative practice and procedure, Biologics, Confidential business information.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 601 is amended as follows:

PART 601—LICENSING

■ 1. The authority citation for 21 CFR part 601 continues to read as follows:

Authority: 15 U.S.C. 1451–1561; 21 U.S.C. 321, 351, 352, 353, 355, 356b, 360, 360c–360f, 360h-360j, 371, 374, 379e, 381; 42 U.S.C. 216, 241, 262, 263, 264; sec 122, Pub. L. 105–115, 111 Stat. 2322 (21 U.S.C. 355 note).

§ 601.25 [Removed]

■ 2. Remove § 601.25.

§ 601.26 [Removed]

■ 3. Remove § 601.26.

Dated: February 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02884 Filed 2–11–16; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 868 and 870

[Docket No. FDA–2012–N–1174]

Anesthesiology Devices; Reclassification of Membrane Lung for Long-Term Pulmonary Support; Redesignation as Extracorporeal Circuit and Accessories for Long-Term Respiratory/Cardiopulmonary Failure

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final order to redesignate membrane lung devices for long-term pulmonary support, a preamendments class III device, as extracorporeal circuit and accessories for long-term respiratory/cardiopulmonary failure, and to reclassify the device to class II (special controls) in patients with acute respiratory failure or acute cardiopulmonary failure where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent. A membrane lung device for long-term pulmonary support (>6 hours) refers to the oxygenator in an extracorporeal circuit used during long-term procedures, commonly referred to

as extracorporeal membrane oxygenation (ECMO). Because a number of other devices and accessories are used with the oxygenator in the circuit, the title and identification of the regulation are revised to include extracorporeal circuit and accessories for long-term respiratory/cardiopulmonary failure. Although an individual device or accessory used in an ECMO circuit may already have its own classification regulation when the device or accessory is intended for short-term use (≤6 hours), such device or accessory will be subject to the same regulatory controls applied to the oxygenator (*i.e.,* class II, special controls) when evaluated as part of the ECMO circuit for long-term use (>6 hours). On its own initiative, based on new information, FDA is revising the classification of the membrane lung device for long-term pulmonary support.

DATES: This order is effective February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Fernando Aguel, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 1234, Silver Spring, MD 20993, 301–796–6326, *fernando.aguel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Pub. L. 105–115), the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144), among other amendments, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513(d) of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as preamendments devices), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as postamendments devices) are automatically classified by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

A preamendments device that has been classified into class III and devices found substantially equivalent by means of premarket notification procedures (510(k)) to such a preamendments device or to a device within that type (both the preamendments and substantially equivalent devices are referred to as preamendments class III devices) may be marketed without submission of a premarket approval application (PMA) until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval or until the device is subsequently reclassified into class I or class II.

On July 9, 2012, FDASIA was enacted. Section 608(a) of FDASIA (126 Stat. 1056) amended section 513(e) of the FD&C Act, changing the mechanism for reclassifying a device from rulemaking to an administrative order.

Section 513(e) of the FD&C Act provides that FDA may, by administrative order, reclassify a device based upon ''new information.'' FDA can initiate a reclassification under section 513(e) of the FD&C Act or an interested person may petition FDA to reclassify a preamendments device. The term ''new information,'' as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at that time. (See, *e.g., Holland-Rantos Co.* v. *United States Department of Health, Education, and Welfare,* 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944 (6th Cir. 1970); *Bell* v. *Goddard,* 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent action where the reevaluation is made in light of newly available authority (see *Bell,* 366 F.2d at 181; *Ethicon, Inc.* v. *FDA,* 762 F.Supp. 382, 388–391 (D.D.C. 1991)), or in light of changes in ''medical science'' (*Upjohn,* 422 F.2d at 951). Whether data before the Agency are old or new data, the ''new information'' to support reclassification under section 513(e) of the FD&C Act must be ''valid scientific evidence,'' as defined in section 513(a)(3) of the FD&C Act and 21 CFR 860.7(c)(2). (See, *e.g., General Medical Co.* v. *FDA,* 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Manufacturers Assoc.* v. *FDA,* 766 F.2d 592 (D.C. Cir. 1985), cert. denied, 474 U.S. 1062 (1986).)

FDA relies upon ''valid scientific evidence'' in the classification process to determine the level of regulation for devices. To be considered in the reclassification process, the ''valid scientific evidence'' upon which the Agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, *e.g.,* the contents of a pending PMA (see section 520(c) of the FD&C Act (21 U.S.C. 360j(c)).)

Section 513(e)(1) of the FD&C Act sets forth the process for issuing a final reclassification order. Specifically, prior to the issuance of a final order reclassifying a device, the following must occur: (1) Publication of a proposed order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments to a public docket.

II. Regulatory History of the Device

FDA published a proposed order to reclassify this device in the **Federal Register** of January 8, 2013 (78 FR 1158) (the ''proposed order''). As noted in the proposed order, on July 16, 1982, the Agency issued a final rule classifying all membrane lungs for long-term pulmonary support into class III (47 FR 31130). On May 11, 1987, FDA published a final rule amending the codified language for this device to clarify that no effective date had been

established for the requirement for premarket approval for membrane lungs for long-term pulmonary support devices (52 FR 17732 at 17735). This device is currently under product code BYS.

As discussed in the proposed order, FDA considered the available information on these devices and concluded that these devices could be reclassified to class II, subject to the identified special controls. As required by section 513(e)(1) of the FD&C Act, FDA convened a meeting of a device classification panel described in section 513(b) of the FD&C Act with respect to the membrane lung devices for long-term pulmonary support on September 12, 2013, followed by a meeting on May 7, 2014. The deliberations of the device classification panels are discussed in section IV of this order. FDA received and has considered two comments on the January 8, 2013, proposed order, as discussed in section III. Therefore, FDA has met the requirements for issuing a final order under section 513(e)(1) of the FD&C Act.

III. Public Comments in Response to the Proposed Order

FDA received two comments in response to the January 8, 2013, proposed order to reclassify membrane lung devices for long-term pulmonary support for conditions where imminent death is threatened by cardiopulmonary failure in neonates and infants or where cardiopulmonary failure results in the inability to separate from cardiopulmonary bypass following cardiac surgery.

One comment supported FDA's reclassification proposal but requested that the Agency clarify the population covered and the conditions included in the reclassification. According to the commenter, it seemed that the membrane lung device could be used for long-term support in neonates and infants only when imminent death is threatened by cardiopulmonary failure, but for the remaining population (*e.g.,* pediatric and adult patients), the membrane lung could be used for long-term support only when cardiopulmonary failure results in the inability to separate from cardiopulmonary bypass following cardiac surgery. With respect to the conditions covered, the commenter sought clarification as to whether the reclassification was limited only to cardiopulmonary conditions or to cardiac failure as well. FDA is clarifying the intended uses covered by the reclassification in this final order. Specifically, after considering the input from the September 12, 2013, and May 7, 2014, classification panel meetings, comments on the proposed order and all other available information, FDA has determined that the reclassification applies to ECMO as a system of devices and accessories that provide extracorporeal circulation and physiologic gas exchange of blood in patients with acute respiratory failure or acute cardiopulmonary failure where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent. This revised scope better reflects use of ECMO as a tool that provides extracorporeal circulation and physiologic gas exchange of blood and more accurately reflects the function of the device. FDA has not cleared any ECMO devices that are indicated for specific patient populations or conditions. As such, FDA believes that the intended uses included in this final order should remain broad, rather than specify patient populations or conditions to be treated, to reflect use of ECMO as a tool.

Another comment disagreed with FDA's intent to reclassify membrane lung devices for long-term pulmonary support, stating that ''ECMO devices must remain categorized as class III devices for all indications because they are life-sustaining devices for which clinical trials are necessary to provide reasonable assurance of safety and effectiveness.'' FDA disagrees with this comment. According to section 513(a)(1)(C) of the FD&C Act, a class III device is defined as a device which: (1) Cannot be classified as a class I device because insufficient information exists to determine that the application of general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device; and (2) cannot be classified as a class II device because insufficient information exists to determine that the special controls would provide reasonable assurance of its safety and effectiveness; and (3) is purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health; or (4) presents a potential unreasonable risk of illness or injury.

Although FDA considers membrane lung devices for long-term pulmonary support to be life-supporting, a viewpoint that was supported by the panel members at the September 12, 2013 (2013 Panel), and May 7, 2014 (2014 Panel), device classification panel meetings, FDA believes that the available information supports FDA's determination that special controls, in addition to general controls, would be sufficient to provide a reasonable assurance of safety and effectiveness. Further, the 2013 and 2014 Panels largely supported reclassification of ECMO for use in patients with acute respiratory failure or acute cardiopulmonary failure as noted in section IV of this order. As mentioned previously and discussed further in section IV, ECMO is a tool which provides extracorporeal circulation and physiologic gas exchange of blood. The special controls identified in this final order, including clinical performance data, ensure that the device can function as intended to provide extracorporeal circulation and physiologic gas exchange of blood for the intended duration of device use. The Agency believes that the risks of ECMO devices are sufficiently understood based on valid scientific evidence and that the risks of ECMO devices can be mitigated with the special controls identified in this final order. The special controls mitigate the risks to health identified for the device as outlined in section IV, table 1. Therefore, FDA does not agree that membrane lung devices for long-term pulmonary support for use in patients with acute respiratory failure or acute cardiopulmonary failure should remain a class III device.

The commenter also expressed concern that the reclassification of these devices would mean that companies manufacturing new versions of the device would not be required to show that their products are safe and effective. The commenter suggests that classification to class II (special controls) precludes FDA from requesting clinical data for these devices. FDA disagrees with this comment. FDA believes that the identified special controls provide a reasonable assurance of safety and effectiveness for membrane lung devices for long-term pulmonary support for use in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent. FDA has determined that by complying with the identified special controls, the currently legally marketed devices within this classification regulation will be reasonably safe and effective when used for acute respiratory failure or acute cardiopulmonary failure. Future devices claiming substantial equivalence to an available predicate(s) must demonstrate that they are substantially equivalent, as defined under section 513(i) of the FD&C Act, to the predicate device and comply with all applicable FDA regulations and with the special

controls in order to be classified into class II. Classification to class II (special controls) does not preclude FDA from requesting clinical data for these devices. In some cases, clinical data may be needed to comply with the special controls and demonstrate substantial equivalence to an available predicate. For example, special control § 870.4100(b)(v) regarding in vivo evaluation of the device could include clinical trial data, clinical information from the literature, and/or animal study data.

The commenter further expressed concern that reclassification for some indications will reduce the incentive to undertake future studies for untested indications due to the availability of the devices for ''off-label'' use. FDA notes in response to this comment that, generally, FDA regulates the use of a device as indicated by the party offering the device for interstate commerce.

The commenter also sought assurance from FDA that membrane lung devices for long-term pulmonary support for indications not identified in the proposed order would remain in class III and therefore require the submission of a PMA. FDA notes that by identifying the intended uses covered by the revised classification regulation, uses that fall outside the definition would not be subject to the order but rather would be classified under section 513 of the FD&C Act.

IV. Deliberations of the Panels and FDA Consideration of Panel Input

As required by section 513(e)(1) of the FD&C Act, FDA convened a meeting of the Circulatory System Devices Panel to consider the existing valid scientific evidence to support reclassification to class II of membrane lung devices for long-term pulmonary support. One meeting was held on September 12, 2013 (2013 Panel), regarding pediatric uses for ECMO and another meeting was held on May 7, 2014 (2014 Panel), regarding adult uses for ECMO (Refs. 1 and 2).

On September 12, 2013, FDA presented the risks associated with use of the membrane lung device for long-term pulmonary support. The 2013 Panel mostly agreed that the risks to health were adequately captured as presented by FDA. Several 2013 Panel members discussed whether the list of risks to health should also include information on renal dysfunction, neurologic injury, disseminated intravascular coagulation, transfusion issues, and inflammatory responses. FDA explained that such effects are more appropriately characterized not as risks to health but rather as adverse events that may result from the risks to health. The 2013 Panel understood this distinction but requested that FDA consider expanding the definition of adverse tissue reaction to include inflammatory response. FDA considered the 2013 Panel's input when updating the risks to health for the 2014 Panel and this final order.

The 2013 Panel agreed that the available scientific evidence supported the safety and effectiveness for ECMO and its accessories for conditions where the subject is at threat of imminent death caused by acute reversible respiratory failure (*e.g.,* meconium aspiration, congenital diaphragmatic hernia, pulmonary hypertension) in neonates and infants, or where acute cardiopulmonary failure results in the inability to separate from cardiopulmonary bypass following cardiac surgery in all pediatric patients.

The 2013 Panel also agreed that the probable benefits to health from use of the extracorporeal circuit and its accessories for long-term pulmonary and cardiopulmonary support for these uses outweigh the probable risks. As noted previously, FDA has further considered all available information and has determined that the risks to health identified for ECMO are the same across neonatal, infant, pediatric, and adult populations. This is consistent with input from the 2013 and 2014 Panels, which found that the risks to health for the pediatric and adult populations do not differ. Further, FDA believes that the available safety and effectiveness information supports use of ECMO as a tool to provide extracorporeal circulation and physiologic gas exchange of blood in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent. FDA is providing greater clarity in this final order by simplifying the identification of ECMO devices in the classification regulation to better reflect what an ECMO circuit performs, not specify patient populations or conditions to be treated. Specific indications for use for ECMO, including specific patient populations and/or conditions, are further discussed in this document.

In general, the 2013 Panel believed the special controls in the proposed order would mitigate the identified risks to health and provide reasonable assurance of safety and effectiveness of the extracorporeal circuit and its accessories. However, some 2013 Panel members recommended that compatibility of the various circuit accessories be evaluated to ensure that the circuit accessories can function together as intended. FDA believes that the special controls will be able to address the issue of circuit accessories' compatibility. Specifically, the following special controls from the classification regulation address this concern: (1) The design characteristics of the device must ensure that the geometry and design parameters are consistent with the intended use; (2) non-clinical performance evaluation of the device must demonstrate substantial equivalence for performance characteristics on the bench, mechanical integrity, electromagnetic compatibility(where applicable), software, durability, and reliability; and (3) labeling must include a detailed summary of the non-clinical and clinical evaluations pertinent to use of the device and adequate instructions with respect to anticoagulation, circuit setup, performance characteristics with respect to compatibility with other circuit accessories, and maintenance during a procedure.

The 2013 Panel unanimously agreed that the membrane lung device for long-term pulmonary support is life-supporting. The 2013 Panel further stated that the available scientific evidence and the proposed special controls, in conjunction with general controls, supported the reclassification to class II of membrane lung devices for long-term pulmonary/cardiopulmonary support in pediatric patients. The 2013 Panel expressed concern about not having had the opportunity to review data regarding use of the device in adults, given that use of ECMO in adults had increased significantly over the years. The 2013 Panel recommended that FDA convene another meeting to review the available literature regarding use of the membrane lung device for long-term pulmonary support in adults before finalizing the proposed reclassification.

On May 7, 2014, FDA convened the 2014 Panel to discuss the classification of the membrane lung for long-term support, specifically for adult pulmonary and cardiopulmonary indications. For both pulmonary and cardiopulmonary intended uses, the 2014 Panel believed that the list of risks to health presented by FDA were comprehensive and adequately captured. Of note, in response to the 2013 Panel's recommendation regarding risks to health, FDA expanded the definition of adverse tissue reaction to include inflammatory response.

The majority of the 2014 Panel believed that the available scientific evidence is adequate to support a

reasonable assurance of safety and effectiveness of the extracorporeal circuit and its accessories for long-term pulmonary support in adults, but recommended that FDA modify the intended use from ''pulmonary support'' to ''acute, hypoxic, reversible respiratory failure.'' FDA agrees with the 2014 Panel that ''respiratory failure'' is a more accurate reflection of the use of ECMO as a tool to provide extracorporeal circulation and physiologic gas exchange of blood in patients rather than ''pulmonary support.'' FDA has considered this input from the panel and has determined that acute respiratory failure is the appropriate intended use from a clinical and regulatory perspective to reflect such use. This change is reflected in the classification regulation. The Panel also agreed that the available scientific evidence is adequate to support a reasonable assurance of safety and effectiveness of the device for long-term cardiopulmonary support in adults suffering from ''cardiopulmonary failure due to acute catastrophic cardiogenic shock.'' FDA agrees with the 2014 Panel that ''acute cardiopulmonary failure'' is a more accurate reflection of the use of ECMO as a tool to provide extracorporeal circulation and physiologic gas exchange of blood in patients rather than ''cardiopulmonary support.'' FDA has considered this input from the panel and has determined that acute cardiopulmonary failure is the appropriate intended use from a clinical and regulatory perspective to reflect such use. This change is reflected in the classification regulation. For both pulmonary and cardiopulmonary support in adults, the 2014 Panel agreed that the probable benefits to health from use of the device outweigh the probable risks to health where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent.

The 2014 Panel agreed that FDA's list of special controls were appropriate and comprehensive. The 2014 Panel further agreed that the special controls would mitigate the identified risks to health and provide reasonable assurance of safety and effectiveness for the device when used to provide long-term support in adults with acute respiratory failure or cardiopulmonary failure.

For both acute respiratory and acute cardiopulmonary indications in adults, the 2014 Panel unanimously agreed that the membrane lung device for long-term support is life-supporting. The 2014 Panel further believes that the available scientific evidence and the proposed special controls support the reclassification to class II of membrane lung devices for long-term support in adults with acute respiratory failure or acute cardiopulmonary failure.

After considering input from both the 2013 and 2014 Panels, FDA believes that the risks to health identified can be mitigated by the special controls as outlined in Table 1.

TABLE 1—HEALTH RISKS AND MITIGATION MEASURES FOR ECMO DEVICES

Identified risk	Mitigation measures
Thrombocytopenia	Technological characteristics; Non-clinical performance evaluation; In vivo evaluation; Labeling.
Hemolysis	Technological characteristics; Biocompatibility testing; Non-clinical performance evaluation; Labeling.
Adverse tissue reaction (including inflammatory response)	Biocompatibility testing; Labeling.
Inadequate gas exchange	Non-clinical performance evaluation; In vivo evaluation; Labeling.
Gas embolism	Non-clinical performance evaluation; In vivo evaluation; Labeling.
Mechanical failure	Technological characteristics; Non-clinical performance evaluation; Labeling.
Hemorrhage	In vivo evaluation; Labeling.
Hemodilution	Non-clinical performance evaluation; In vivo evaluation; Labeling.
Thrombosis/thromboembolism	Non-clinical performance evaluation; In vivo evaluation; Labeling.
Infection	Sterility; Shelf life testing.
Mechanical injury to access vessels	Non-clinical performance evaluation; In vivo evaluation; Labeling.

At both the 2013 Panel and 2014 Panel meetings, FDA provided a summary of information from the clinical literature regarding specific patient populations and conditions to be treated using ECMO (Refs.1 and 2). Of note, FDA has not cleared any ECMO devices that are indicated for specific patient populations or conditions. As such, FDA believes that the intended uses included in this final order should remain broad to reflect use of ECMO as a tool to provide extracorporeal circulation and physiologic gas exchange of blood in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent. However, FDA believes that there are specific indications (patient populations and/or conditions) that would fall within this broader intended use and therefore be within the scope of this regulation as outlined in this document.

Specifically, FDA has reviewed the clinical literature and has determined that there are sufficient data available to support labeling ECMO devices for the following specific indications (patient populations and/or conditions) at this time: Meconium aspiration in neonates and infants; congenital diaphragmatic hernia in neonates and infants; pulmonary hypertension in neonates and infants; failure to wean from cardiopulmonary bypass following cardiac surgery in pediatric and adult patients; and ECMO-assisted cardiopulmonary resuscitation in adults.

FDA has further evaluated data from the clinical literature and determined that the data available do not support labeling ECMO devices for certain specific indications (patient populations and/or conditions) at this time without additional clinical data from sponsors to support such uses, consistent with the identified special controls, including but not limited to: High risk percutaneous coronary intervention; trauma resuscitation; failed heart or lung transplant; acute respiratory distress syndrome; and/or acute decompensation of chronic obstructive pulmonary disease.

For ECMO devices that have not been legally marketed prior to the effective date of the final order, or models (if any) that have been legally marketed but are required to submit a new 510(k) under § 807.81(a)(3) because the device is

about to be significantly changed or modified, manufacturers must obtain 510(k) clearance, among other relevant requirements, and demonstrate compliance with the special controls included in the final order, before marketing the new or changed device.

V. The Final Order

Under section 513(e) of the FD&C Act, FDA is adopting its findings as published in the preamble to the proposed order (78 FR 1158) with modifications as discussed in section IV of this final order. FDA is issuing this final order to reclassify the membrane lung devices for long-term pulmonary support from class III to class II for use in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed and continued clinical deterioration is expected or the risk of death is imminent, and to establish special controls. FDA is removing the regulation from 21 CFR part 868 (Anesthesiology Devices) and adding it to 21 CFR part 870 (Cardiovascular Devices) to better align this device type (and the review thereof) with other similar types of cardiovascular devices. The title and identification of § 870.4100 (21 CFR 870.4100) reflects the Agency's intent to regulate ECMO and the accessories used in ECMO under the same set of regulatory controls. However, an individual device or accessory in an ECMO circuit may already have its own classification regulation when intended for short-term use (≤6 hours) and, in those instances, such device or accessory is subject to the preexisting regulation(s).

Following the effective date of this final order, firms marketing membrane lung devices for long-term pulmonary support for use in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed and continued clinical deterioration is expected or the risk of death is imminent, must comply with the particular mitigation measures set forth in the special controls.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the devices. FDA has determined that premarket notification is necessary to provide reasonable assurance of safety and effectiveness of membrane lung devices for long-term pulmonary support for use in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent, and, therefore, this device type is not exempt from premarket notification requirements.

VI. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Paperwork Reduction Act of 1995

This final order refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814, subpart B, have been approved under OMB control number 0910–0231; and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485.

VIII. Codification of Orders

Prior to the amendments by FDASIA, section 513(e) of the FD&C Act provided for FDA to issue regulations to reclassify devices. Although section 513(e) of the FD&C Act as amended requires FDA to issue final orders rather than regulations, FDASIA also provides for FDA to revoke previously issued regulations by order. FDA will continue to codify classifications and reclassifications in the Code of Federal Regulations (CFR). Changes resulting from final orders will appear in the CFR as changes to codified classification determinations or as newly codified orders. Therefore, under section 513(e)(1)(A)(i) of the FD&C Act, as amended by FDASIA, in this final order, we are revoking the requirements in 21 CFR 868.5610 related to the classification of membrane lung for long-term pulmonary support as class III devices and codifying under § 870.4100 the reclassification of membrane lung for long-term pulmonary support for use in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent into class II (special controls).

IX. References

The following references are on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *http://www.regulations.gov*. FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. The panel transcript and other meeting materials for the September 12, 2013, Circulatory System Devices Panel are available on FDA's Web site at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/CirculatorySystemDevicesPanel/ucm342357.htm*.
2. The panel transcript and other meeting materials for the May 7, 2014, Circulatory System Devices Panel are available on FDA's Web site at. *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/CirculatorySystemDevicesPanel/ucm395638.htm*

List of Subjects in 21 CFR Parts 868 and 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 868 and 870 are amended as follows:

PART 868—ANESTHESIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 868 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

§ 868.5610 [Removed]

■ 2. Remove § 868.5610.

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for 21 CFR part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 870.4100 to subpart E to read as follows:

§ 870.4100 Extracorporeal circuit and accessories for long-term respiratory/cardiopulmonary failure.

(a) *Identification.* An extracorporeal circuit and accessories for long-term respiratory/cardiopulmonary support (>6 hours) is a system of devices and accessories that provides assisted extracorporeal circulation and physiologic gas exchange of the patient's blood in patients with acute respiratory failure or acute cardiopulmonary failure, where other available treatment options have failed, and continued clinical deterioration is expected or the risk of death is imminent. The main devices and accessories of the system include, but are not limited to, the console (hardware), software, and disposables, including, but not limited to, an oxygenator, blood pump, heat exchanger, cannulae, tubing, filters, and other accessories (*e.g.,* monitors, detectors, sensors, connectors).

(b) *Classification*—Class II (special controls). The special controls for this device are:

(1) The technological characteristics of the device must ensure that the geometry and design parameters are consistent with the intended use, and that the devices and accessories in the circuit are compatible;

(2) The devices and accessories in the circuit must be demonstrated to be biocompatible;

(3) Sterility and shelf-life testing must demonstrate the sterility of any patient-contacting devices and accessories in the circuit and the shelf life of these devices and accessories;

(4) Non-clinical performance evaluation of the devices and accessories in the circuit must demonstrate substantial equivalence of the performance characteristics on the bench, mechanical integrity, electromagnetic compatibility (where applicable), software, durability, and reliability;

(5) In vivo evaluation of the devices and accessories in the circuit must demonstrate their performance over the intended duration of use, including a detailed summary of the clinical evaluation pertinent to the use of the devices and accessories to demonstrate their effectiveness if a specific indication (patient population and/or condition) is identified; and

(6) Labeling must include a detailed summary of the non-clinical and in vivo evaluations pertinent to use of the devices and accessories in the circuit and adequate instructions with respect to anticoagulation, circuit setup, performance characteristics with respect to compatibility among different devices and accessories in the circuit, and maintenance during a procedure.

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02876 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. FDA–2016–N–0237]

Medical Devices; General and Plastic Surgery Devices; Classification of the Scalp Cooling System To Reduce the Likelihood of Chemotherapy-Induced Alopecia

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia's classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective February 12, 2016. The classification was applicable on December 8, 2015.

FOR FURTHER INFORMATION CONTACT: Neil Ogden, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G414, Silver Spring, MD 20993–0002, 301–796–6397.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1) of the FD&C Act. Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

On March 6, 2015, Target Health, Inc. (on behalf of Dignitana AB) submitted a request for classification of the DigniCap™ Scalp Cooling System under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the

request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request and the medical literature, if applicable, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on December 8, 2015, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding § 878.4360 (21 CFR 878.4360).

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for a scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia will need to comply with the special controls named in this final order.

The device is assigned the generic name scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia, and it is identified as a scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia intended to reduce the frequency and severity of alopecia during chemotherapy in which alopecia-inducing chemotherapeutic agents are used. The device is a prescription device.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks:

TABLE 1—SCALP COOLING SYSTEM TO REDUCE THE LIKELIHOOD OF CHEMOTHERAPY-INDUCED ALOPECIA RISKS AND MITIGATION MEASURES

Identified risk	Mitigation measure
Thermal Tissue Damage	Non-clinical Performance Testing. Software Verification, Validation, and Hazard Analysis Labeling.
Electromagnetic Interference/Electrical Shock	Electromagnetic Compatibility and Electrical Testing Labeling.
Adverse Tissue Reaction	Biocompatibility.
Increased Risk of Scalp Metastases	Labeling. Patient Labeling.
Use Error	Labeling.
Scalp Pain, Headache, and Chills	Labeling. Patient Labeling.

FDA believes that the special controls in § 878.4360(b)(1) through (6), in addition to the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness.

Scalp cooling systems to reduce the likelihood of chemotherapy-induced alopecia are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device; see 21 CFR 801.109 (*Prescription devices*).

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia they intend to market.

II. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

IV. Reference

The following reference is on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 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.*

1. DEN150010: De novo request per 513(f)(2) from Target Health, Inc. (on behalf of Dignitana AB), dated March 6, 2015.

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 878 is amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

■ 1. The authority citation for 21 CFR part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 878.4360 to subpart E to read as follows:

§ 878.4360 Scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia.

(a) *Identification.* A scalp cooling system to reduce the likelihood of chemotherapy-induced alopecia is a prescription device intended to reduce

the frequency and severity of alopecia during chemotherapy in which alopecia-inducing chemotherapeutic agents are used.

(b) *Classification*—Class II (special controls). The special controls for this device are:

(1) Non-clinical performance testing must demonstrate that the device meets all design specifications and performance requirements, and that the device performs as intended under anticipated conditions of use. This information must include testing to demonstrate accuracy of the temperature control mechanism.

(2) Performance testing must demonstrate the electromagnetic compatibility and electrical safety of the device.

(3) Software verification, validation, and hazard analysis must be performed.

(4) The patient contacting components of the device must be demonstrated to be biocompatible. Material names must be provided.

(5) Labeling must include the following:

(i) A statement describing the potential risk of developing scalp metastasis.

(ii) Information on the patient population and chemotherapeutic agents/regimen for which the device has been demonstrated to be effective.

(iii) A summary of the non-clinical and/or clinical testing pertinent to use of the device.

(iv) A summary of the device technical parameters, including temperature cooling range and duration of cooling.

(v) A summary of the device- and procedure-related adverse events pertinent to use of the device.

(vi) Information on how the device operates and the typical course of treatment.

(6) Patient labeling must be provided and must include:

(i) Relevant contraindications, warnings, precautions, and adverse effects/complications.

(ii) Information on how the device operates and the typical course of treatment.

(iii) Information on the patient population for which there is clinical evidence of effectiveness.

(iv) The potential risks and benefits associated with use of the device.

(v) Postoperative care instructions.

(vi) A statement describing the potential risk of developing scalp metastasis.

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02878 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice: 9439]

RIN 1400–AD17

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Department of State.

ACTION: Interim final rule; correction.

SUMMARY: The Department of State published a **Federal Register** interim final rule on February 4, 2016, in Volume 81, No. 23, page 5906. The document contains an error in the Regulatory Findings. This document corrects the rule by replacing the text, ''included elsewhere in this edition of the **Federal Register**'' with ''published in the **Federal Register** on February 8, 2016, 81 FR 6430.'' There is also a correction in the **ADDRESSES** section, to provide the correct public notice number to find the rule to submit comments on *www.regulations.gov.*

DATES: This correction is effective on February 19, 2016. Written comments must be received on or before April 4, 2016.

FOR FURTHER INFORMATION CONTACT: Paul-Anthony L. Magadia, U.S. Department of State, Visa Services, Legislation and Regulations Division, Washington, DC 20006, 202–485–7641; email: *magadiapl@state.gov.*

SUPPLEMENTARY INFORMATION: The Department of State published an interim final rule on February 4, 2016 (81 FR 5906); this document corrects text in the **ADDRESSES** section and in the discussion of Executive Order 12866.

Correction

In the FR Doc 2016–02191, appearing on page 5906 in the **Federal Register** of February 4, 2016 (81 FR 5906):

1. In the second column of page 5906, third item under **ADDRESSES**, the term ''XXXX'' is corrected to read ''9428.''

2. In the third column of page 5907, the first sentence of the discussion regarding ''Executive Order 12866: Regulatory Review'' is corrected to read: ''The costs of this rulemaking are discussed in the companion DHS rule, RIN 1651–AB09, published in the **Federal Register** on February 8, 2016, 81 FR 6430.''

Dated: February 9, 2016.

David S. Newman,

Director of Legal Affairs, Visa Services, Bureau of Consular Affairs, U.S. Department of State.

[FR Doc. 2016–02962 Filed 2–11–16; 8:45 am]

BILLING CODE 4710–06–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in March 2016. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective March 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for March 2016.[1]

The March 2016 interest assumptions under the benefit payments regulation will be 1.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for February 2016, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during March 2016, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. *See* 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, add Rate Set 269 to the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
269	3–1–16	4–1–16	1.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, add Rate Set 269 to the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
269	3–1–16	4–1–16	1.25	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 4th day of February 2016.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2016–02810 Filed 2–11–16; 8:45 am]

BILLING CODE 7709–02–P

[1] Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2013–0399; FRL–9941–56]

RIN 2070–AB27

Significant New Use Rule on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for three chemical substances that were the subject of premanufacture notices (PMNs). This action requires persons who intend to manufacture (including import) or process any of the chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit the activity before it occurs.

DATES: This final rule is effective April 12, 2016.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0399, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@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. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers (including importers) or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance to a proposed or final rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

II. Background

A. What action is the Agency taking?

EPA is finalizing SNURs, under TSCA section 5(a)(2), for three very long chain chlorinated paraffin (vLCCPs—alkyl chain length of C_{21} and above) chemical substances that were the subject of PMNs P–12–539, P–13–107, and P–13–109. This final rule requires persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

In the **Federal Register** of August 7, 2013 (78 FR 48051) (FRL–9393–4), EPA issued direct final SNURs on these three chemical substances in accordance with the procedures at § 721.160(c)(3)(i). EPA received notices of intent to submit adverse comments on these SNURs. Therefore, as required by § 721.160(c)(3)(ii), EPA removed the direct final SNURs in a separate final rule published in the **Federal Register** of November 5, 2013 (78 FR 66279) (FRL–9902–16), and issued a proposed rule in the **Federal Register** of February 10, 2014 (79 FR 7621) (FRL–9903–43). The record for the direct final SNURs on these chemical substances was established as docket EPA–HQ–OPPT–2013–0399. That docket includes information considered by the Agency in developing the proposed and final rules, including comments on the proposed rule.

EPA received several comments on the proposed rules for these three chemical substances, from a single commenter representing chlorinated paraffin (CP) manufacturers (including the submitter of the PMNs that are the subject of these SNURs). A full discussion of EPA's response to these comments is included in Unit V. of this document. After consideration of these comments, because the potential remains for increased exposure that formed the basis for the proposed SNURs, EPA is issuing the final rules as they were proposed for the chemical substances.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors, listed in Unit IV. of this rule. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use. Persons who must report are described in § 721.5.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the final rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

III. Rationale and Objectives of the Final Rule

A. Rationale

During review of the PMNs submitted for the three chemical substances that are subject to these final SNURs, EPA concluded that regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health and environmental effects of the chemical substances. The basis for these findings is outlined in Unit IV of the proposed rule. Based on these findings, a TSCA section 5(e) consent order was negotiated with the PMN submitter that required manufacture of the substances at certain cumulative,

aggregate volumes unless the company has submitted the results of certain environmental effects studies; no manufacture of the substances with the amount of chlorinated paraffins, with an alkyl chain less than or equal to 20, to exceed more than 1 percent of that PMN substance by weight; and risk notification. The SNUR provisions for these chemical substances are consistent with the provisions of the TSCA section 5(e) consent order. These final SNURs are issued pursuant to § 721.160. See the docket under docket ID number EPA–HQ–OPPT–2013–0399 for the corresponding consent order. For additional discussion of the rationale for the SNURs on these chemicals, see Units II., IV, and V. of the proposed rule.

B. Objectives

EPA is issuing final SNURs for three chemical substances described above to achieve the following objectives with regard to the significant new uses designated in this final rule:

- EPA will receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6, or 7.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/tsca-inventory/about-tsca-chemical-substance-inventory.*

IV. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the chemical substances listed in this final rule, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit.

V. Response to Comments on Proposed SNUR

EPA received comments from the Chlorinated Paraffins Industry Association (CPIA), which represents the CP industry, including the submitter of the PMN substances that are the subject of these SNURs and other chlorinated paraffin manufacturers. CPIA's comments, and associated attachments, can be found in the public docket under ID EPA–HQ–OPPT–2013–0399–0198.

Comment 1: Based on existing data and recent reviews, CPIA believes long chain chlorinated paraffin (LCCP—alkyl chain length of C_{18} to C_{20}) production and use in the U.S. present an extremely low risk to human health and the environment. Given this, CPIA questions the need for EPA to take specific action under TSCA Section 5(a)(2) for any substances that could be considered LCCP. CPIA then provides information on why they believe LCCPs and vLCCPs do not present a risk.

Response: The comments primarily addressed the underlying risk assessments associated with the PMNs. EPA defers a discussion of the commenter's specific concerns as they are not relevant to the basis for determining that the uses specified in these SNURs constitute significant new uses. EPA is neither required to determine that a particular new use of any chemical substance presents, nor even that it may present, an unreasonable risk to human health or the environment. Rather, EPA issues a SNUR for a use of a substance if it is a significant new use (*e.g.,* EPA has reason to anticipate that the use would raise significant questions related to potential exposure, so that the Agency should have an opportunity to review the use before such use should occur). EPA bases this judgment on a consideration of all relevant factors, including the specific factors identified at section 5(a)(2). Pursuant to TSCA section 5(a)(2), the PMN risk assessment does not serve as the basis for regulation of these SNURs, but as a valuable source of a breadth of information related to each substance's potential to threaten human health or the environment.

Nonetheless, EPA does have concern for these chemical substances because when released to the environment, vLCCPs are expected to rapidly partition to particulates and sediments where they are anticipated to persist in the environment with half-lives of months or greater. If they do degrade over time, these substances are expected to form shorter chain chlorinated chemicals. Based on the complex starting mixtures, lack of data on biological and abiotic reactions, and potential degradation products, there is high uncertainty regarding the fate and transport of these substances. Nevertheless, by analogy to medium chain chlorinated paraffins (MCCPs—alkyl chain length of C_{14} to C_{17}) and LCCPs, EPA expects vLCCPs and possible degradation products to be potentially highly persistent, potentially highly bioaccumulative, and potentially toxic to aquatic and sediment-dwelling organisms. Further, within the category of vLCCPs, EPA expects the shorter carbon chain range of these substances (C_{21} to C_{24}) and lower chlorinated substances (degree of chlorination less than 50%) to present the greatest potential for risk, as they are expected to be the most bioaccumulative, mobile in the environment, and toxic. Transport and magnification across trophic levels may also result in toxicity to higher organisms, including fish, higher predators, and potentially humans. EPA has concerns about the potential for the vLCCPs to degrade to shorter chain chlorinated compounds, as well as concerns about potential impurities or small fractions of MCCPs and/or LCCPs.

MCCPs and LCCPs are expected to be PBT chemicals based on the following lines of evidence: (a) The available data on MCCPs, sediment core studies, environmental fate studies, and associated calculations, indicate transformation half-lives of months to years, depending on the environmental media. Even though there are limited data on the LCCPs, biodegradation data indicated increasing stability with increasing chain length. LCCPs are also expected to have transformation half-lives comparable to, or greater than MCCPs. Therefore, MCCPs and LCCPs are expected to be very persistent; (b)

The available data on MCCPs and LCCPs indicate that these substances have bioconcentration factors (BCFs) and bioaccumulation factors (BAFs) that exceed 1,000 or 5,000 liters per kilogram wet weight of tissue (L/kg ww). Therefore, MCCPs and LCCPs are expected to be very bioaccumulative; (c) The available data on MCCPs and LCCPs indicated acute and chronic toxicity to aquatic organism with effects levels below 10 milligrams per liter (mg/L) or 0.1 mg/L, depending on the species and MCCP and LCCP congener evaluated. Therefore, MCCPs and LCCPs are expected to be toxic to aquatic organisms; (d) EPA is concerned about PBT chemicals because even small releases may persist in environmental media, build up in the environment and concentrate/accumulate in organisms over time. These properties increase the potential for continual exposure, and thus risk; and (e) EPA expects there to be releases of the PMN substances to the environment resulting from distribution in commerce and during processing and all the substances' intended uses.

EPA notes that its risk assessments for certain MCCP and LCCP PMNs have recently been made available for public comment in the **Federal Register** of December 23, 2015 (80 FR 79886) (FRL–9940–13).

Comment 2: CPIA questioned the appropriateness of treating certain of the substances in the proposed SNUR as chemical analogs to LCCPs or vLCCPs, because two of the three substances covered by this SNUR are described as being ''branched and linear'' chloroalkanes: Alkanes, C_{21} to C_{34}-branched and linear, chloro, CAS Registry Number (CASRN) 1417900–96–9 (P–12–0539), and Alkanes, C_{22} to C_{30}-branched and linear, chloro, CASRN 1401974–24–0 (P–13–0107). CPIA could not find detailed compositional information about these substances in the rulemaking docket. Regardless, CPIA does not expect that anyone intending to make chlorinated paraffins would intentionally seek to make branched chloroalkanes. CP manufacturers have always used either *n*-paraffin or alpha-olefin feedstocks, both of which should be almost exclusively linear if they are to be used in CP manufacturing operations. To the extent that these hydrocarbon feedstocks contain branched or isoparaffin content, they are considered an impurity and something to be minimized and closely controlled. The Organisation for Economic Cooperation and Development (OECD) Screening Information Dataset (SIDS) dossier and SIDS Initial Assessment Report (SIAR) for LCCP discuss LCCP isoparaffin content in its section on impurities and states that the amount should not be more than 1–2%. This is consistent with CPIA's understanding of the feedstocks used in LCCP manufacture. Only linear chloroalkanes are desired in commercial CP products and any branched chloroalkane (*i.e.* chlorinated isoparaffin) content is considered an impurity and should be kept to a minimum.

Response: EPA understands that some CPs may contain only linear chloroalkanes, but for these two ''branched and linear'' PMN submissions that EPA has received, the percent branching is greater than the 1–2% figure mentioned in the CPIA comments and the branching is thus part of the specific chemical name for TSCA Chemical Inventory purposes.

Comment 3: EPA has designated the PMN/SNUR substances as very long chain chlorinated paraffin (vLCCP), with a nominal carbon chain length of C_{21} to $C_{30.}$ EPA has designated LCCP as C_{18} to C_{20} chloroalkanes, although in all other venues, including EPA's previous CP testing program, the OECD SIDS assessment, the European Union (EU) Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) dossier, and other recent assessments, LCCP has been considered as C_{18} to C_{30}. Most of the recent LCCP assessments have evaluated LCCP as a category comprised of three main subcategories: C_{18} to C_{20} Liquid LCCP, C_{20} to C_{30} Liquid LCCP, and C_{20} to C_{30} Solid LCCP.

Response: EPA recognizes that CPIA does not agree with the EPA designations for LCCP vs. vLCCP. The designation/cut-off for LCCPs and vLCCPs represents the chain lengths potentially contained in the liquid chlorinated paraffins and waxy/solid chlorinated paraffins. These designations (*i.e.,* the differentiation between $C_{18–20}$ and C_{20} CPs) are consistent with those in other jurisdictions, *e.g.,* Environment Canada (see Ref. 1). There are a series of interactions that the CP industry has had with EPA over the years, including TSCA section 4 test rules on specific TSCA chemicals and the Toxics Release Inventory (TRI). In previous actions under TSCA and TRI, the Agency has used a different naming convention, often based on public comment from industry. However, in each action the chemical substance that was the subject of the action has been clear because information such as chemical formula has been part of the identification. Previous attempts to divide chlorinated paraffins into various categories were based primarily on industrial usage patterns and industry comment, not on toxicological information.

Regardless of the naming conventions raised by the commenter, in reviewing the studies submitted with the PMNs in this SNUR and other PMNs, and the scientific literature more broadly, EPA has concluded that that there is a continuum of effects linked to chain length and degree of chlorination. On the one end of the spectrum are SCCPs and MCCPs; more data are available on these chain lengths, and EPA has concluded that sufficient data exists to conclude that they may be PBTs. There are also some, albeit significantly less, data on the vLCCPs, most of which appear to point to a lack of effects, but the chemical composition of the test substances was poorly characterized. Ultimately, EPA is interested in specific fate and toxicity tests on vLCCPs that elucidate the relationship between degree of chlorination and alkyl chain length. The testing schema is designed to minimize the burden of testing of complex mixtures with numerous congeners.

Comment 4: According to the commenter, in the United States, commercial LCCP products have generally been in either the C_{20} to C_{30} liquid or C_{20} to C_{30} solid subcategories, with C_{18} to C_{20} liquid LCCP products found mostly in the European market. Given the lack of C_{18} to C_{20} liquid LCCP products in the U.S. market, CPIA does not necessarily object to EPA's division of the existing category into LCCP and vLCCP. However, CPIA, believes that drawing a ''bright line'' at a carbon length of C_{20} is questionable based on the toxicology and environmental fate data available. CPIA cites as support the conclusion of the OECD SIDS Initial Assessment Profile (SIAP) of LCCP, that ''C20–30 liquid and solid LCCPs are of low concern for the environment based on their low hazard profiles. . . . Adequate screening-level data are available to characterize the environmental hazard for the purposes of the OECD HPV (High Production Volume) Chemicals Programme.''

Response: EPA recognizes that CPIA does not agree with the EPA designations for LCCP vs. vLCCP. EPA disagrees with CPIA that linear C_{18} to C_{20} CPs are not available within the United States, as EPA has received one or more PMN submissions for these types of CPs and therefore they may be commercially available. Further, these designations are consistent with those in other jurisdictions, *e.g.,* Environment Canada (Ref. 1). Please refer to the response to Comment 1 for the issue of hazard and PBT discussions pertaining to chain length.

Comment 5: Limited information on EPA's assessment of vLCCP is provided in the proposed SNUR, associated Consent Order, and the rulemaking docket. Perhaps this limited information is due to the nature of this SNUR and the PMN review process.

Response: EPA reviewed the PMNs based on the contents of the PMN and information available on analogs and in the literature. As with all PMN submissions, EPA has followed the processes, procedures and statutory provisions of TSCA section 5 for the chlorinated paraffin PMNs, including EPA's Policy Statement on PBT New Chemical Substances (64 FR 60194; November 4, 1999; FRL–6097–7). EPA's assessment of exposures and risks for these three PMN substances is provided in Unit IV of the Preamble to the section 5(e) Consent Order (available in the public docket to the proposed rule) and is also presented in the response to Comment 1. Note that EPA has recently made available assessments for certain MCCP and LCCP PMNs, in the **Federal Register** of December 23, 2015 (80 FR 79886) (FRL–9940–13).

Comment 6: EPA indicates that it was unable to locate any chronic aquatic toxicity data on LCCP and as a consequence has relied solely on MCCP data. Further, EPA claims that based on these MCCP data there may be concerns regarding vLCCP's aquatic toxicity. EPA should be aware that there are both chronic fish and invertebrate toxicity data on various carbon chain length and chlorination level LCCP test materials. These were included in all of the recent reviews of LCCP, including the OECD SIDS assessment, the REACH registration dossier, and the U.K. LCCP Environmental Risk Assessment report.

Response: As noted in the TSCA section 5(e) Consent Order signed with the PMN submitter and available in the public docket, there were no valid chronic aquatic toxicity data available for LCCPs or vLCCPs. EPA did consider the LCCP REACH Consortium aquatic toxicity database (see Attachment B in the CPIA comments), but the data were inadequate to allow EPA to identify a Concentration of Concern (COC). The studies tested concentrations in excess of the water solubility and did not analytically measure the concentrations that were in solution, which led to results orders of magnitude above the water solubility. Given the lack of reliable test data for the PMN substances listed in the SNUR, EPA used a read-across approach using MCCPs. The chronic aquatic toxicity test results and resulting COCs for MCCP data are within the estimated water solubilities and therefore these data are deemed reliable. The most reliable and acceptable studies indicate that, for vLCCPs, the predicted toxicity to aquatic organisms for acute endpoints are no effects at saturation. For the chronic toxicity endpoint, EPA used the aquatic invertebrate chronic value of 0.013 mg/L from the Thompson et al. 1997 study (Ref. 2) based on a MCCP material. This value was divided by an assessment factor of 10 to yield 0.0013 mg/L or 1.3 micrograms (μg)/L or 1.3 parts per billion (ppb).

Comment 7: CPIA readily acknowledges that, as EPA notes, toxicity to aquatic plant life and toxicity to sediment organisms are data gaps for LCCP. There have been several different approaches used to fill these data gaps. In the case of aquatic plant life, some testing has been done on LCCP toxicity to aquatic plant life though the reliability of these data has been called into question by reviewers and the data were not deemed sufficiently valid to address the endpoint. Most assessments of LCCP have thus considered read-across data from MCCP as being adequate to fill this data gap. The data from MCCP indicate that neither MCCP, nor LCCP by analogy, are toxic to aquatic plant life. Given this, CPIA supports the use of MCCP data in the assessment of LCCP/vLCCP.

Response: EPA agrees that toxicity to aquatic plant life is a data gap for LCCP/vLCCP and that MCCP serves as an appropriate analog in a read-across approach.

Comment 8: For LCCP sediment toxicity and risk, previous assessments by the U.K. Environment Agency and the REACH registration dossier have extrapolated from LCCP aquatic toxicity data to sediment toxicity using the equilibrium partitioning method. This approach is detailed in Attachment C of CPIA's comments, which is a direct excerpt from the U.K. Environment Agency's (EA) LCCP assessment. Given the very low water solubility of LCCP and the very high predicted Kow, this method estimates rather high predicted no effect concentrations (PNECs) for LCCP. A PNEC is functionally similar to EPA's concentration of concern (CoC) in that both are points of departure for environmental risk assessment. The comparison between the sediment PNECs derived by the EA using the equilibrium partitioning method and the sediment CoC derived by EPA using an MCCP sediment toxicity study are orders of magnitude apart. Given this large difference and the fact that both methods have limitations, CPIA thinks that this may be a data gap to consider for additional testing of vLCCP assuming chemical analysis concerns can be addressed and only if exposure/release information actually dictate a need for this testing.

Response: EPA agrees that sediment toxicity is a data gap for vLCCPs. The most reliable and acceptable value for the toxicity to sediment invertebrate organisms is based on the MCCP material from the Thompson et al. 2002 study (Ref. 3). For vLCCPs, EPA used the 28-day sediment invertebrate Geometric Mean Acceptable Toxicant Concentration (GMATC) value of 187 mg/kg dry weight sediment as an analog approach to assess hazard. To calculate an acute concern concentration, this value is first multiplied by an acute to chronic ratio for invertebrates of 10 to yield 1,870 mg/kg dry weight sediment, and then this value is divided by an assessment factor of 5 to yield 374 mg/kg dry weight sediment. For the chronic toxicity endpoint, EPA used the 28-day sediment invertebrate GMATC of 187 mg/kg dry weight sediment also from the Thompson et al. 2002 study. This value is divided by an assessment factor of 10 to yield 18.7 mg/kg dry weight sediment.

Comment 9: EPA states that vLCCP by analogy to MCCP may be ''potentially highly persistent, potentially bioaccumulative and potentially toxic.'' EPA further indicates that, ''[t]ransport and magnification across trophic levels may also result in toxicity to higher organisms, including fish, higher predators, and potentially humans,'' though it is not clear whether this statement is directed at vLCCP or MCCP as an analog. Regardless, EPA should be aware there has been considerable research done in recent years on the environmental fate of MCCP, including new research on biodegradation and the potential for bioaccumulation, including trophic magnification potential.

Response: EPA has reviewed all the information cited by CPIA, including the specific biodegradation studies described in the comments and biodegradation studies on LCCPs. No persistence or bioaccumulation data were available or submitted to EPA for the commercial Unknown or Variable composition, Complex reaction products and Biological materials (UVCB) multicomponent substances described in the PMNs. In the absence of data on the commercial UVCB substances, EPA used data on their components, analogs and used a read-across approach. EPA notes that close analogs of MCCPs are the short chain chlorinated paraffins (SCCPs) which have been proposed for addition to the Stockholm Convention on Persistent Organic Pollutants.

Comment 10: Given the available data, CPIA believes that any analogy to MCCP for vLCCP must consider that while lower chlorinated CP substances may have somewhat greater capacity to bioaccumulate—though bioaccumulation will also decrease significantly with increasing carbon chain length—these same lower chlorinated CPs show a greater potential to biodegrade. In fact, MCCP constituents up to 50% chlorination have been found to be readily biodegradable and therefore are not persistent, bioaccumulative, and toxic chemicals (PBTs). Higher chlorinated MCCP constituents also showed significant potential to biodegrade though the results did not reach the ''ready'' criteria. Perhaps even more telling is the fact that field studies have not shown MCCP to biomagnify across trophic levels (Ref. 4). CPIA believes that vLCCP, which is less soluble in water and less bioavailable than MCCP, will have even less potential to move up through the troposphere and biomagnify. This conclusion was similarly reached by the U.K. Environment Agency (Ref. 5), the OECD (Ref. 6), and the European Chemical Bureau (ECB) PBT Working Group (Ref. 7).

Response: EPA has reviewed all the information cited by CPIA including the specific bioaccumulation/biomagnification studies described in the comments. No persistence or bioaccumulation data were submitted for the commercial UVCB multicomponent substances described in the PMNs. In the absence of data on the commercial UVCB multicomponent substance, EPA used data on components of that substance, structural analogs and a read-across approach. Although bioaccumulation data are lacking with vLCCPs, there is still concern for the presence of lower chain length and moderately chlorinated components in the vLCCP commercial UVCB multicomponent substance that have the potential to be both persistent and bioaccumulative. EPA considered more recent reviews of the bioaccumulation potential of MCCPs by Thompson and Vaughn (Ref. 4) and Arnot (Ref. 8) in making the determination that MCCPs may be very bioaccumulative. The framework for assessing bioaccumulation outlined by Gobas et al. (Ref. 9) describes a preferred data hierarchy that places field Trophic Magnification Factor (TMF) studies at the top. EPA recognizes that there are significant uncertainties associated with the available TMF data for MCCPs. In the absence of such data, the framework outlines the use of bioconcentration factors (BCFs), bioaccumulation factors (BAFs), and biomagnification factors (BMFs) to be considered with caution. EPA believes that its review of available data on the bioaccumulation potential of MCCPs is consistent with the approach described by Gobas et al. (Ref. 9) and that the data support its finding that MCCPs may be very bioaccumulative and by analogy so may vLCCPs.

Comment 11: CPIA is concerned that EPA's proposed testing approach for vLCCP in the proposed SNUR (Attachment A of CPIA's comments) fails to consider the highly complex nature of the LCCP/vLCCP UVCB substances and the analytical limitations inherent to this complex composition. For example, even a single carbon-chain length straight-chain chloroalkane, will have tens of thousands or more possible isomers. Tomy et al. (Ref. 10) calculated that for a C_{13} chloroalkane at 60% chlorination by weight, the total number of possible isomers is 3,549, even assuming no more than one chlorine atom bound to an individual carbon atom. This number of theoretical isomers more than doubles with each added carbon number, suggesting that by C_{21}, the lowest carbon chain length that EPA has proposed testing, this test material could have hundreds of thousands of possible isomers.

Response: EPA understands the complexity of vLCCPs and therefore stipulates under the consent order for the PMN substances the testing of three specific chain lengths and chlorination levels. EPA expects that a single chain length at a specific chlorination level can be produced. The purpose of the sequence of testing, *i.e.,* biodegradation testing and identification of degradation products followed by bioaccumulation testing and benthic toxicity testing, is to use the results of the biodegradation tests to identify biodegradation products. The selection of three less complex congener PMN surrogates for testing reduces the analytical complexities associated with characterization of the test substance and identification of products formed during biodegradation testing.

Comment 12. Current guidance from manufacturers indicates that vLCCP substances should not be released to surface water and/or poured down the drain. When this guidance is applied to exposure models, the predicted releases levels to surface water and corresponding concentrations in sediment are below the levels of concern.

Response: While the SNUR is not based on EPA's risk assessment, EPA notes that information regarding releases of vLCCPs was submitted to EPA by the PMN submitter of these three SNUR substances and is used in the risk assessment. EPA's risk assessment for the PMN substances indicated that releases of the substances may occur and that without the less than 1 weight percent of chlorinated paraffins with an alkyl chain ≤ 20 manufacturing restriction, those releases may pose an unreasonable risk to the environment. Further, apart from any risk resulting from releases assessed for the PMN chemical substance, chlorinated paraffins with alkyl chain lengths ≤ 20 are very persistent and very bioaccumulative toxic chemical substances. Thus a SNUR is important because it gives EPA an opportunity to review and evaluate data on the significant new use before it commences. These significant new use may have release and exposure profiles that are different from that considered in the PMN.

To the extent that the commenter is suggesting that the predicted releases to surface water do not present a risk and thus do not support a significant new determination, EPA notes that a significant new use determination is not based on risk.

VI. Applicability of the Significant New Use Designation

If uses begun after the proposed rule was published were considered ongoing rather than new, any person could defeat the SNUR by initiating the significant new use before the final rule was issued. Therefore EPA has designated the date of publication of the proposed rule as the cutoff date for determining whether the new use is ongoing. Consult the **Federal Register** notice of April 24, 1990 (55 FR 17376, FRL 3658–5) for a more detailed discussion of the cutoff date for ongoing uses.

Any person who began commercial manufacture or processing of the chemical substances identified in this rule for any of the significant new uses designated in the proposed SNUR after the date of publication of the proposed SNUR, must stop that activity before the effective date of the final rule. Persons who ceased those activities will have to first comply with all applicable SNUR notification requirements and wait until the notice review period, including any extensions, expires, before engaging in any activities designated as significant new uses. If a person were to meet the conditions of advance compliance under 40 CFR 721.45(h), the person would be considered to have met the

requirements of the final SNUR for those activities.

VII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require the development of any particular test data before submission of a SNUN. The two exceptions are:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see § 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing.

Recommended testing that would address the criteria of concern of § 721.170 can be found in Unit IV. of the proposed rule. Descriptions of tests are provided only for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Potential benefits of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in § 720.50. SNUNs must be on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in §§ 721.25 and 720.40. E–PMN software is available electronically at *http://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/how-submit-e-pmn.*

IX. Economic Analysis

EPA evaluated the potential costs of SNUN requirements for potential manufacturers and processors of the chemical substances in the rule. The Agency's complete Economic Analysis is available in the docket under docket ID number EPA–HQ–OPPT–2014–0390

X. References

The following is a listing of those documents used to prepare the preamble to this final rule. Additional information for this final rule can be located under docket ID number EPA–HQ–OPPT–2013–0399, which is available for inspection as specified under **ADDRESSES**.

1. Environment Canada, August 2008. Canadian Environmental Protection Act, 1999 Follow-up Report on a PSL1 Assessment for Which Data Were Insufficient to Conclude Whether the Substances Were ''Toxic'' to the Environment and to the Human Health: Chlorinated Paraffins.
2. Thompson, R.S., N.J. Williams, and E. Gillings. 1997. *Chlorinated Paraffin (52% Chlorinated, C_{14}-C_{17}): Chronic Toxicity to Daphnia Magna.* AstraZeneca Confidential Report, BL 5791/B.
3. Thompson, R.S., D.V. Smyth, and E. Gillings. 2002. *Medium-Chain Chlorinated Paraffin (52% Chlorinated, $C_{14–17}$): Effects in Sediment on the Survival, Growth and Sexual Development of the Freshwater Amphipod, Hyalella Azteca.* AstraZeneca Confidential Report BL7469/B.
4. Thompson, Roy and Martin Vaughn. 2014. Medium-chain chlorinated paraffins (MCCPs): A review of bioaccumulation potential in the aquatic environment. Integrated Environmental Assessment and Management. Volume 10, Issue 1, pages 78–86, January 2014.
5. U.K. Environment Agency (EA). 2009. Environmental Risk Evaluation Report: Long-Chain Chlorinated Paraffins. January 2009.
6. Organisation for Economic Cooperation and Development (OECD). 2009. SIDS Initial Assessment Report (SIAR) and SIDS Initial Assessment Profile (SIAP) for Long Chain Chlorinated Paraffins (LCCPs). Reviewed and approved at SIAM–29, October 20–23, 2009.
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XI. Statutory and Executive Order Reviews

A. Executive Order 12866

This final rule establishes SNURs for chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''*Regulatory Planning and Review*'' (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act (PRA)

According to PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this final rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the

Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

On February 18, 2012, EPA certified pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUR submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this final rule.

This final rule is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit VIII. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this final rule. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132

This action will not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This final rule does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this final rule.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

XII. Congressional Review Act (CRA)

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

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 5, 2016.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

■ Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB Approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB Control No.
* * * * *	
Significant New Uses of Chemical Substances	

40 CFR citation	OMB Control No.
* * * * *	
721.10673	2070–0012
721.10674	2070–0012
721.10675	2070–0012
* * * * *	

* * * * *

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.10673 to subpart E to read as follows:

§ 721.10673 Alkanes, C21–34–branched and linear, chloro.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as alkanes, C21–34–branched and linear, chloro (PMN P–12–539; CAS No. 1417900–96–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j)(manufacture of the PMN substance with less than 1 weight percent of chlorinated paraffins with an alkyl chain ≤ 20) and (p) (1,200,000 kg, 14,100,000 kg, 59,100,000 kg, 78,400,000 kg, and 86,100,000 kg of the aggregate of the PMN substances P–12–539, P–13–107, and P–13–109, from the March 19, 2013 effective date of the TSCA section 5(e) consent order for P–12–539, P–13–107, and P–13–109).).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 5. Add § 721.10674 to subpart E to read as follows:

§ 721.10674 Alkanes, C22–30–branched and linear, chloro.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as alkanes, C22–30–branched and linear, chloro (PMN P–13–107; CAS No. 1401947–24–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j)(manufacture of the PMN substance with less than 1 weight percent of chlorinated paraffins with an alkyl chain ≤ 20) and (p) (1,200,000 kg, 14,100,000 kg, 59,100,000 kg, 78,400,000 kg, and 86,100,000 kg of the aggregate of the PMN substances P–12–539, P–13–107, and P–13–109, from the March 19, 2013 effective date of the TSCA section 5(e) consent order for P–12–539, P–13–107, and P–13–109).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Add § 721.10675 to subpart E to read as follows:

§ 721.10675 Alkanes, C24–28, chloro.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as alkanes, C24–28, chloro (PMN P–13–109; CAS No. 1402738–52–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j) (manufacture of the PMN substance with less than 1 weight percent of chlorinated paraffins with an alkyl chain ≤ 20) and (p) (1,200,000 kg, 14,100,000 kg, 59,100,000 kg, 78,400,000 kg, and 86,100,000 kg of the aggregate of the PMN substances P–12–539, P–13–107, and P–13–109, from the March 19, 2013 effective date of the TSCA section 5(e) consent order for P–12–539, P–13–107, and P–13–109).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2016–02952 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R03–OAR–2015–0594; FRL–9942–12–Region 3]

Clean Air Act Title V Operating Permit Program Revision; West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Title V Operating Permits Program (found in West Virginia's regulations at 45CSR30) submitted by the State of West Virginia. The revision increases West Virginia's annual emission fees for its Title V Operating Permit Program to $28 per ton of emissions of a regulated pollutant from an individual source subject to the West Virginia Title V Operating Permit Program. EPA is approving the revision to West Virginia's Title V Operating Permit Program in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on March 14, 2016.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2015–0594. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.,* confidential business information (CBI) 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 through *www.regulations.gov* or may be viewed during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Paul Wentworth, (215) 814–2183, or by email at *wentworth.paul@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 2015 (80 FR 60110), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. In the NPR, EPA proposed approval of a revision to the West Virginia Title V Operating Permit Program. The formal program revision was submitted by the State of West Virginia on June 17, 2015.

II. Summary of Title V Operating Permit Program Revision

In the June 17, 2015 program revision submittal, West Virginia included revisions to 45CSR30.8 to increase West Virginia's annual emission fees for its Title V Operating Permit Program. West Virginia increased the annual fees to $28 per ton of emissions of a regulated pollutant from an individual source subject to the West Virginia Title V Operating Permit Program. The previous rate in 45CSR30.8 was $18 per ton of regulated pollutant. This revised fee per ton became effective on May 1, 2015 and replaced the prior fee, $18 per ton, which was effective July 1, 1995 through April 30, 2015.[1] As discussed in the NPR, without this fee increase, West Virginia anticipated that funds would not be sufficient to sustain its Title V Operating Permit Program in a manner consistent with state and federal requirements. In the NPR, the EPA proposed to approve the revision increasing annual Title V fees that the owners or operators of Title V facilities in West Virginia must pay pursuant to 45CSR30.8. The EPA explained that the revision met requirements in section 502 of the CAA and 40 CFR 70.9 for the collection of sufficient Title V fees to cover permit program implementation and oversight costs. The emission fees apply to emissions up to 4,000 tons of any regulated pollutant. However, the EPA's NPR inadvertently misstated that the revision to 45CSR30.8 would increase fees to $25 per ton of regulated pollutant, rather than the correct figure of $28 per ton of regulated pollutant. This error in the NPR by the EPA was inadvertent and does not affect the rationale for the EPA's proposed approval of the Title V permit fee increase as the EPA's evaluation for the NPR was based on 45CSR30.8 which provided for the increase to $28 per ton of regulated pollutant emitted.[2]

Other specific requirements of the program revision and the rationale for the EPA's proposed action are explained in the NPR and will not be restated here.

III. Comments and EPA's Responses

Comment: The EPA received one comment during the public comment period on the proposed approval of the revision to West Virginia's Title V Operating Permit Program. The comment was submitted on behalf of the West Virginia Department of Environmental Protection (WVDEP). In the comment letter, the WVDEP noted that the new fee provisions contained in the revision to 45CSR30 as part of WVDEP's June 17, 2015 submission to EPA was $28 per ton of regulated pollutants as emitted by individual sources subject to the West Virginia Title V Operating Permit Program. The WVDEP noted that the EPA's NPR incorrectly stated the new fee per ton of regulated pollutant emitted was $25 instead of $28 per ton emitted.[3]

Response: The EPA appreciates WVDEP's comment and acknowledges it inadvertently stated in the NPR that the annual fee per ton of regulated pollutant emitted for an individual source subject to the West Virginia Title V Operating Permit Program was increased to $25 per ton of regulated pollutant emitted. WVDEP correctly noted in its comments that 45CSR30.8 increased the fee for emissions to $28 per ton of regulated pollutant emitted from a Title V source. This increase from $18 per ton to $28 per ton of regulated pollutant emitted was effective on May 1, 2015. WVDEP's June 17, 2015 submittal of the revised 45CSR30.8 to the EPA correctly indicated the new fee per ton of regulated pollutant emitted was $28. EPA evaluated the Title V program revision after reviewing 45CSR30.8 and evaluating the permit fee increase at $28 per ton emitted. The EPA's error in the NPR in incorrectly referring to new fees of $25 per ton emitted was inadvertent and did not affect our analysis or proposed conclusion that the permit fee revision met requirements in the CAA for Title V permit programs.

The WVDEP comment letter corrects the EPA's error and clarifies that the correct fee per ton of regulated pollutant emitted by a Title V permitted source is $28 per ton. As noted previously, the revision to 45CSR30.8 increasing the permit fee from $18 per ton to $28 per ton of regulated pollutant emitted meets requirements in section 502 of the CAA and 40 CFR 70.9 for the collection of sufficient Title V fees to cover permit program implementation and oversight costs. The EPA's determination that West Virginia's Title V Operating Permit Program continues to meet obligations to collect sufficient fees to implement its Title V program is not altered by our inadvertent reference to $25 per ton of regulated pollutant emitted instead of $28 per ton emitted as our analysis was based on the revised 45CSR30.8 which listed the correct fee as $28 per ton.

The EPA also finds no further comment period is needed to address the inadvertent reference to the per ton fee increase. The EPA's finding that the revised fees in 45CSR30.8 meet requirements in section 502 of the CAA and 40 CFR 70.9 was explained in the NPR, and the specific finding that the $28 per ton meets requirements for Title V permit fees to fund a Title V program is a logical outgrowth of the proposed rule. No additional notice or opportunity to comment is necessary where, as here, the final rule is ''in character with the original scheme,'' and does not ''substantially depart [] from the terms or substance'' of the proposal. *Chocolate Mfrs. Ass'n* v. *Block,* 755 F.2d 1098 (4th Cir. 1985). ''[A] final rule will be deemed to be the logical outgrowth of a proposed rule if a new round of notice and comment would not provide commentators with their first occasion to offer new and different criticisms which the agency might find convincing.'' *Fertilizer Inst.* v. *EPA,* 935 F.2d 1303, 1311 (D.C. Cir. 1991) (citation and internal quotation marks omitted).

Notwithstanding the NPR's erroneous description of the revised fee being $25 per ton of regulated pollutant, the EPA's determination about the sufficiency of this fee was in fact based on our evaluation of the slightly larger $28-per-ton fee. The NPR also cited the correct provision of West Virginia law, which also would have confirmed to potential commenters that the state's proposed fee increase was to $28 per ton. The docket similarly included information clarifying that the proposed revision

[1] On July 1, 1995, the $18 per ton fee replaced West Virginia's Title V operating permit ''transition fee'' of $15 per ton emitted from a source which had previously been in effect for the Title V Operating Permit Program.

[2] In fact, the additional three dollars per ton of regulated pollutant emitted by sources provides additional funds to support the implementation of West Virginia's permit program for Title V of the CAA in accordance with requirements in the CAA and in 40 CFR 70.9.

[3] The WVDEP also corrected background information presented in the NPR about historical Title V Operating Permit Program fees in West Virginia. Specifically, WVDEP noted that the $18-per-ton fee was not the ''initial'' fee established in 1994. The program initially had a $15-per-ton transition fee, which was replaced effective July 1, 1995 by the $18-per-ton fee that has been effective until recently. The EPA thanks WVDEP for this clarification, which did not affect our analysis or proposed conclusion that the permit fee revision met CAA requirements for the Title V permit programs.

would increase certain fees to $28 per ton of regulated pollutants.[4]

Accordingly, a supplemental notice clarifying the per-ton fee would not provide any commentators with a first occasion to offer any new or different criticisms of WVDEP's Title V permit fees. Nor would any such criticism convince EPA to alter our conclusion. As stated in the NPR, WVDEP found its permit fee of $18 per ton was insufficient to allow adequate implementation of its Title V Operating Permit Program. After internal analysis, WVDEP concluded it needed the additional revenue from permit fees at $28 per ton emitted to fund sufficiently its Title V Operating Permit Program, and EPA concurs with that conclusion. Further opportunity for comment would not provide any opportunity for criticism of West Virginia's new permit fee which the EPA would find convincing. Thus, our approval of West Virginia's Title V Operating Permits Program including the revision to 45CSR30.8 is final as a ''logical outgrowth'' of the proposed approval announced in the NPR.

IV. Final Action

EPA is approving the June 17, 2015 Title V Operating Permit Program revision submitted by the State of West Virginia to increase Title V permit fees paid by owners or operators of Title V sources in West Virginia from $18 per ton of regulated pollutant emitted to $28 per ton of regulated pollutant emitted. The revision meets requirements in section 503 of the CAA and of 40 CFR 70.9.

V. Statutory and Executive Order Reviews

A. General Requirements

This action merely approves state law as meeting Federal requirements and imposes no 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 Order 12866 (58 FR 51735, October 4, 1993);
- 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, this rule related to West Virginia's Title V fees does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the program is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 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 which approves the June 17, 2015 program revision submittal by the State of West Virginia as a revision to the West Virginia Title V Operating Permits Program may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 70

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

Dated: January 28, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 1. The authority citation for part 70 continues to read as follows:

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

■ 2. Appendix A to part 70 is amended by adding paragraph (g) to the entry for West Virginia to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permit Programs

* * * * *

West Virginia

* * * * *

(g) The West Virginia Department of Environmental Protection submitted a program revision on June 17, 2015; approval effective on May 1, 2015.

* * * * *

[FR Doc. 2016–02831 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

[4] To take just one example, the docket included a copy of the rule clearly showing that the revision was to $28 per ton. *See* EPA–R03–OAR–2015–0594–0006 at 53 (showing relevant changes to West Virginia's rule).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[FRL–9942–27–OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2015 Compliance Year

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of data availability (NODA).

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs). EPA has completed final calculations for the second round of NUSA allowance allocations for the 2015 compliance year of the CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 Trading Programs. EPA has posted spreadsheets showing the second-round 2015 NUSA allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances to new units as well as the allocations to existing units of the remaining CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances not allocated to new units in either round of the 2015 NUSA allocation process. EPA will record the allocated CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances in sources' Allowance Management System (AMS) accounts by February 15, 2016.

DATES: February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Questions concerning this action should be addressed to Robert Miller at (202) 343–9077 or *miller.robertl@epa.gov* or to Kenon Smith at (202) 343–9164 or *smith.kenon@epa.gov.*

SUPPLEMENTARY INFORMATION: Under the CSAPR FIPs, a portion of each state budget for each of the four CSAPR trading programs is reserved as a NUSA from which allowances are allocated to eligible units through an annual one- or two-round process. EPA has described the CSAPR NUSA allocation process in five NODAs previously published in the **Federal Register** (80 FR 30988, June 1, 2015; 80 FR 44882, July 28, 2015; 80 FR 55061, September 14, 2015; 80 FR 69883, November 12, 2015; 80 FR 77591, December 15, 2015). In the most recent of these previous NODAs, EPA provided notice of preliminary lists of new units eligible for second-round 2015 NUSA allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances and provided an opportunity for the public to submit objections.

EPA received no objections to the preliminary lists of new units eligible for second-round 2015 NUSA allocations of CSAPR NO_X Annual, SO_2 Group 1, or SO_2 Group 2 allowances whose availability was announced in the December 15 NODA. EPA is therefore making second-round 2015 NUSA allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances to the new units identified on these lists in accordance with the procedures set forth in 40 CFR 97.412(a)(9) and (12), 97.612(a)(9) and (12), and 97.712(a)(9) and (12).

As described in the December 15 NODA, any allowances remaining in the CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 NUSAs for a given state and control period after the second round of NUSA allocations to new units is completed are to be allocated to the existing units in the state according to the procedures set forth in 40 CFR 97.412(a)(10) and (12), 97.612(a)(10) and (12), and 97.712(a)(10) and (12). EPA has determined that CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances do remain in the NUSAs for a number of states following completion of second-round 2015 NUSA allocations; accordingly, EPA is allocating these allowances to existing units. The NUSA allowances are generally allocated to the existing units in proportion to the allocations previously made to the existing units under 40 CFR 97.411(a)(1), 97.611(a)(1), and 97.711(a)(1), adjusted for rounding.

Under 40 CFR 97.412(b)(10), 97.612(b)(10), and 97.712(b)(10), any allowances remaining in the CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 Indian country NUSAs for a given state and control period after the second round of Indian country NUSA allocations to new units are added to the NUSA for that state or are made available for allocation by the state pursuant to an approved SIP revision. No new units eligible for allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances from any 2015 Indian country NUSA have been identified, and no state has an approved SIP revision governing allocation of 2015 CSAPR allowances. The Indian country NUSA allowances are therefore being added to the NUSAs for the respective states and are included in the pools of allowances that are being allocated to existing units under 40 CFR 97.412(b)(10) and (12), 97.612(b)(10) and (12), and 97.712(b)(10) and (12).

The final unit-by-unit data and allowance allocation calculations are set forth in Excel spreadsheets titled ''CSAPR_NUSA_2015_NOx_Annual_2nd_Round_Final_Data_New_Units'', ''CSAPR_NUSA_2015_SO_2_2nd_Round_Final_Data_New_Units'', ''CSAPR_NUSA_2015_NOx_Annual_2nd_Round_Final_Data_Existing_Units'', and ''CSAPR_NUSA_2015_SO_2_2nd_Round_Final_Data_Existing_Units'', available on EPA's Web site at *http://www.epa.gov/crossstaterule/actions.html.*

Pursuant to CSAPR's allowance recordation timing requirements, the allocated NUSA allowances will be recorded in sources' AMS accounts by February 15, 2016. EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that NUSA allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances are subject to potential correction if a unit to which NUSA allowances have been allocated for a given compliance year is not actually an affected unit as of January 1 of the compliance year.[1]

(Authority: 40 CFR 97.411(b), 97.611(b), and 97.711(b).)

Dated: February 1, 2016.

Reid P. Harvey,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2016–02955 Filed 2–11–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0672; FRL–9939–59]

Diflubenzuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of diflubenzuron in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 12, 2016. Objections and requests for hearings must be received on or before April 12, 2016, and must be filed in accordance with the

[1] *See* 40 CFR 97.411(c), 97.611(c), and 97.711(c).

instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0672, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0672 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 12, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0672, by one of the following methods:

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 11, 2015 (80 FR 7559) (FRL–9921–94), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E8306) by IR–4, IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.377 be amended by: (1) Establishing tolerances in for the combined residues of the insecticide diflubenzuron *N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) and its metabolites 4-chlorophenlyurea and 4-chloroaniline, in or on the raw agricultural commodities carrot, roots at 0.2 ppm; peach subgroup 12–12B at 0.5 ppm; plum subgroup 12–12C at 0.5 ppm; plum, prune, dried at 0.5 ppm; nut, tree group 14–12 at 0.2 ppm; pepper/eggplant subgroup 8–10 B at 1.0 ppm, and cottonseed subgroup 20C at 0.2 ppm; (2) upon the approval of these tolerances, removing established tolerances in or on fruit, stone, group 12, except cherry at 0.07 ppm; nut, tree, group 14 at 0.06 ppm; pistachio at 0.06 ppm; pepper at 1.0 ppm; and cotton, undelinted seed at 0.2 ppm; (3) establishing regional tolerances for the combined residues of diflubenzuron and its metabolites 4-chlorophenlyurea and 4-chloroaniline in or on the raw agricultural commodities alfalfa, forage at 6 ppm; alfalfa, hay at 20 ppm; and alfalfa, seed at 0.9 ppm; and (4) modifying the existing tolerances in or on the following raw agricultural commodities: Egg from 0.05 to 0.15 ppm; poultry, fat from 0.05 to 0.15 ppm; and poultry, meat byproducts from 0.05 to 0.06 ppm. That document referenced a summary of the petition prepared by Chemtura Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* A second notice of filing for the same petition (PP 4E8306) and same uses was inadvertently published in the **Federal Register** on December 2, 2015 (80 FR 75449) (FRL–9939–55). This notice of filing contained the same information as the previously published notice of filing. Comments were received in response to both notices of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has modified the levels at which some of the tolerances are being established. The reason for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in

residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for diflubenzuron including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with diflubenzuron follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

For diflubenzuron, the hemopoietic system is the target site with effects including increased sulfhemoglobin and/or methemoglobin levels in rat and dog studies. In subchronic and chronic feeding studies, the primary endpoint of concern was methemoglobinemia and/or sulfhemoglobinemia. These effects were evident in both sexes of mice, rats, and dogs and were produced by more than one route of administration in rats (*i.e.,* oral, dermal and inhalation). The general consequence of methemoglobinemia and/or sulfhemoglobinemia is the impairment of the oxygen transportation capacity of the blood, which is generally known to be caused by aromatic amines in both humans and animals. Degradates of diflubenzuron with aromatic amines, CPU (4-chlorophenylurea) and PCA (4-chloroaniline), are also included in the diflubenzuron non-cancer risk assessment. Monuron, an analog of CPU, does not affect methemoglobin formation but does produce tumors in the liver and kidneys of male rats. The non-cancer toxicities of CPU and PCA are understood. PCA is similar in potency to diflubenzuron on methemoglobin formation, while CPU is less toxic than PCA. Therefore, the non-cancer assessment will include diflubenzuron, CPU and PCA, and additional toxicity studies are not required on CPU and PCA.

The toxicity data provide no indication of an increased susceptibility to rats or to rabbits from *in utero* or postnatal exposure to diflubenzuron. Developmental and reproduction studies in rats and rabbits indicate a very low hazard potential for adverse effects. Developmental studies were tested at the limit dose of 1,000 milligrams/kilogram/day (mg/kg/day) without apparent effects in both dams and the fetuses. The reproduction study indicated that effects in offspring occurred at doses that were higher than the doses producing effects in parents. The requirements for acute and subchronic neurotoxicity studies were waived because there are no clear signs of neurotoxicity following subchronic or chronic dosing in multiple species in the diflubenzuron database. The toxicity profile of diflubenzuron shows that the principal toxic effects are the formation of methemoglobinemia and/or sulfhemoglobinemia in the blood. An immunotoxicity study has been reviewed and immunotoxicity was not observed above the limit dose.

The Agency concluded that diflubenzuron is not carcinogenic in humans based on lack of evidence of carcinogenicity in rats and mice. PCA, a plant metabolite of diflubenzuron, tested positive for splenic tumors in male rats and hepatocellular adenomas/carcinomas in male mice in a National Toxicology Program (NTP) study.

Therefore, EPA has classified PCA as a probable human carcinogen. CPU is the major degradate found in water and is a significant metabolite in milk. CPU is structurally related to monuron (*N,N*dimethyl-CPU), a compound producing tumors of the kidney and liver in male rats. EPA has assumed CPU is a probable human carcinogen as well. However, based on methemoglobinemia observed only at high doses of monuron, a compound similar to CPU and PCA, the non-carcinogenic risk assessment will include diflubenzuron, CPU, and PCA.

Specific information on the studies received and the nature of the adverse effects caused by diflubenzuron as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''Diflubenzuron: Human Health Risk Assessment for an Amended Section 3 Registration for Carrot, Peach Subgroup 12–12B, Plum Subgroup 12–12C, Pepper/Eggplant Subgroup 8–10B, Cottonseed Subgroup 20C, Alfalfa (Regional Restrictions) and R175 Crop Group Conversion for Tree Nut Group 14–12'' on page 45 in docket ID number EPA–HQ–OPP–2014–0672.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for diflubenzuron used for human risk assessment is discussed in Table 1 in Unit III.B. of the final rule published in the **Federal Register** of January 31, 2014 (79 FR 5294) (FRL–9904–27).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to diflubenzuron, EPA considered exposure under the petitioned-for tolerances as well as all existing diflubenzuron tolerances in 40 CFR 180.377. EPA assessed dietary exposures from diflubenzuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for diflubenzuron; therefore, a

quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, ''What We Eat in America'' (NHANES/WWEIA) from 2003 through 2008. As to residue levels in food, EPA used the assumption that diflubenzuron residues are present in most commodities at tolerance levels (including tolerances previously established as well as those established in this action) and that 100% of all crops are treated. Average field trial residues were assumed for grapefruit, lemon, and orange. Tolerances include residues of diflubenzuron, PCA, and CPU.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that diflubenzuron does not pose a cancer risk to humans. However, the metabolites CPU and PCA are considered probable carcinogens and have Q*s assigned to them. Individual cancer dietary exposure analyses were conducted for each metabolite. For PCA, average percent crop treated (PCT) was used for some commodities. One-half the Limit of Quantitation (LOQ) was used for estimating PCA residues on the majority of crops because most crops did not contain detectable residues of PCA. Average field trial residue was used for mushrooms. The CPU cancer dietary analysis focused on CPU residues in milk because metabolism studies indicate that diflubenzuron metabolizes to CPU in milk. EPA assumed that 100% of milk commodities contained CPU at ½ the LOQ. One-half the LOQ was used since detectable residues of CPU were not found in the feeding study.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

For the cancer dietary exposure analysis, the Agency estimated the PCT for existing uses as follows:

Soybeans (1%), peppers (2.5%), oranges (10%), tangerines (10%), grapefruit (25%), pear (5%), apricot (10%), peach (5%), almond, (10%), pecan (2.5%), rice (2.5%), wheat (1%), cotton (1%), artichoke (45%), peanut (10%), lemon (1%), plum (5%), and walnut (2.5%).

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6 to 7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which diflubenzuron may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for diflubenzuron and CPU in drinking water. PCA is only a minor metabolite in the environment and residues are not expected to be present in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of diflubenzuron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

Based on the Surface Water Concentration Calculator model (SWCC) for surface water the Estimated Drinking Water Concentration (EDWC) of 1.3 microgram/Liter (µg/L) (including diflubenzuron and CPU) was used to assess chronic non-cancer dietary risk. Based on the Pesticide Root Zone Model-Groundwater (PRZM–GW) model for ground water the cancer risk for CPU was assessed using the EDWC of 8.02 µg/L.

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

Diflubenzuron is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA

requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found diflubenzuron to share a common mechanism of toxicity with any other substances, and diflubenzuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that diflubenzuron does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* Based on the available developmental toxicity studies in rats and rabbits and the reproduction study, there is no increased susceptibility to fetuses exposed *in utero.* There was no indication of abnormalities in fetal development in the developmental toxicity studies in either rats or rabbits at the maternal limit doses of 1,000 mg/kg/day. In addition, there was no evidence of sensitivity following pre- and/or post-natal exposure in a two-generation reproduction study in rats.

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

i. The toxicological database for diflubenzuron is adequate for risk assessment. The non-cancer toxicity of CPU and PCA is well understood. CPU is less toxic and does not affect methemoglobin. PCA does cause methemoglobin formation but is similar in potency to diflubenzuron. Therefore, assuming equal toxicity of CPU and PCA to diflubenzuron is health protective, additional toxicity studies are not required on the metabolites.

ii. There are no clear signs of neurotoxicity following subchronic or chronic dosing in multiple species in the diflubenzuron database; therefore, there is no need for any neurotoxicity studies.

iii. There is no evidence that diflubenzuron results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. The dietary exposure assessment uses conservative assumptions which will not underestimate dietary exposure and EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to diflubenzuron in drinking water. These assessments will not underestimate the exposure and risks posed by diflubenzuron.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, diflubenzuron is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to diflubenzuron from food and water will utilize 39% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure. There are no residential uses for diflubenzuron.

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

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

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, diflubenzuron is not expected to pose a cancer risk to humans. However, the metabolites CPU and PCA are considered probable carcinogens and have Q*s assigned to them. Individual cancer dietary exposure analyses were conducted for each metabolite. The cancer assessment for PCA includes food only (it is not expected to be present in drinking water). The cancer assessment for CPU includes milk and water only. For PCA, the cancer dietary exposure estimate for the U.S. population is 1.3×10^{-6}. For CPU, the cancer dietary exposure estimate for the U.S. population is 2.8×10^{-6}.

EPA generally considers cancer risks in the range of 10^{-6} or less to be negligible. The precision which can be assumed for cancer risk estimates is best described by rounding to the nearest integral order of magnitude on the log scale; for example, risks falling between 3×10^{-7} and 3×10^{-6} are expressed as risks in the range of 10^{-6}.

Considering the precision with which cancer hazard can be estimated, the conservativeness of low-dose linear extrapolation, and the rounding procedure described above, cancer risk should generally not be assumed to exceed the benchmark level of concern of the range of 10^{-6} until the calculated risk exceeds approximately 3×10^{-6}. This is particularly the case where some conservatism is maintained in the exposure assessment. Although the PCA and CPU exposure risk assessment are refined, they retain significant conservatism in that residues in food

were estimated at ½ LOQ even though no residues were detected in field trials and feeding studies, and for some commodities EPA assumed 100 PCT. Accordingly, EPA has concluded the cancer risk for all existing diflubenzuron uses, and the uses associated with the tolerances established in this action fall within the range of 1×10^{-6} and are thus negligible.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to diflubenzuron residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement analytical methods are available for the enforcement of tolerances for residues of diflubenzuron and its metabolites in crop and livestock commodities. Three enforcement methods for diflubenzuron are published in PAM, Vol. II as Methods I, II, and III. Method I is a GC/ECD method that determines diflubenzuron in plants as derivatized 4-chloroaniline (PCA). Method II is a GC/ECD method that can separately determine residues of diflubenzuron, 4-chlorophenylurea (CPU) and PCA in eggs, milk, and livestock tissues, each as derivatized PCA. Method III is an HPLC/UV method that determines diflubenzuron per se in eggs, milk, and livestock tissues. All three methods have undergone successful Agency validations.

B. International Residue Limits

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

The Codex has established MRLs for diflubenzuron in or on peach and nectarine at 0.5 ppm which is the same as the tolerance in the United States for the peach subgroup 12–12B at 0.50 ppm; a tolerance on plums at 0.5 ppm which is the same as the U.S. tolerance for the plum subgroup 12–12C at 0.5 ppm; and a tolerance on tree nuts at 0.2 ppm which is the same as the U.S. tolerance for the tree nut group 14–12 at 0.20 ppm, and which was raised to harmonize with Codex.

The Codex has established MRLs for diflubenzuron on chili peppers at 3 ppm, dried chili peppers at 20 ppm, and sweet peppers at 0.7 ppm which are different from the tolerances established in the U.S. for diflubenzuron on the pepper/eggplant subgroup 8–10B at 1.0 ppm. The pepper/eggplant subgroup 8–10B covers both bell and non-bell peppers and the Codex MRLs split them out into two separate tolerances which the U.S. does not do because the petition was for the entire subgroup. Based on the residue data submitted and reviewed for this action, it would not be appropriate for the U.S. tolerance to harmonize with either the chili pepper MRL of 3 ppm or the sweet pepper MRL of 0.7 ppm. Also, in regards to the dried chili pepper MRL, this is not expected to be an issue since the U.S. does not set tolerances on dried fruits and vegetables, but instead the processed food is considered to be the whole processed commodity after compensating for or reconstituting the commodity's normal moisture content.

C. Response to Comments

One comment was received in response to the February 11, 2015 Notice of Filing, however, it related to a different chemical than diflubenzuron and therefore is not relevant to this action. Two comments were received in response to the December 2, 2015 Notice of Filing. One commenter opposed residues of this pesticide on food and argued that EPA should deny the petition. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework. The second comment stated that ''without long term studies of its effects on the environment and the toxic effects on aquatic invertebrates, then there should be a slight reduction in ppm of diflubenzuron used on crops.'' This comment is not relevant to the Agency's evaluation of safety of the diflubenzuron tolerances; section 408 of the FFDCA focuses on potential harms to human health and does not permit consideration of effects on the environment.

D. Revisions to Petitioned-For Tolerances

Based on an evaluation of the residue data, the Agency modified the levels at which tolerances were proposed for the existing tolerances for egg, poultry fat, and poultry meat byproducts. In addition, the Agency determined that a separate tolerance is not required for the commodity ''plum, prune, dried'' since residues are not found to concentrate on prunes. Lastly, some of the tolerances levels were modified to reflect the correct significant figures.

V. Conclusion

Therefore, tolerances are established, modified and removed for residues of diflubenzuron *N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) and its metabolites 4-chlorophenlyurea and 4-chloroaniline, as follows:

Under 180.377(a)(1) a tolerance is established for the cottonseed subgroup 20C at 0.20 ppm; existing tolerances are changed for egg to 0.07 ppm; poultry, fat to 0.10 ppm; and poultry, meat byproducts to 0.08 ppm; and the existing tolerance for cotton, undelinted seed at 0.2 ppm is removed as unnecessary.

Under 180.377(a)(2), tolerances are established in or on the raw agricultural commodities carrot, roots at 0.20 ppm; peach subgroup 12–12B at 0.50 ppm; plum subgroup 12–12C at 0.50 ppm; nut, tree group 14–12 at 0.20 ppm; the pepper/eggplant subgroup 8–10 B at 1.0 ppm; and the following existing tolerances are removed as unnecessary: Fruit, stone, group 12, except cherry at 0.07 ppm; nut, tree, group 14 at 0.06 ppm; pistachio at 0.06 ppm; and pepper at 1.0 ppm.

Under 180.377(c) regional tolerances are established for the combined residues of diflubenzuron and its metabolites 4-chlorophenlyurea and 4-chloroaniline in or on the raw agricultural commodities alfalfa, forage at 6 ppm; alfalfa, hay at 20 ppm; and alfalfa, seed at 0.9 ppm.

VI. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 3, 2016.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.377:

■ a. Remove the entries in the table in paragraph (a)(1) for ''Cotton, undelinted seed,'' ''Egg,'' ''Poultry, fat,'' and ''Poultry, meat byproducts.''

■ b. Add alphabetically the entries for ''Cottonseed subgroup 20C,'' ''Egg,'' ''Poultry, fat,'' and ''Poultry, meat byproducts'' to the table in paragraph (a)(1).

■ c. Remove the entries in the table in paragraph (a)(2) for ''Fruit, stone, group 12, except cherry,'' ''Nut, tree, group 14,'' ''Pepper,'' and ''Pistachio.''

■ d. Add alphabetically the entries for ''Carrot, roots,'' ''Peach subgroup 12–12B,'' ''Pepper/Eggplant subgroup 8–10B,'' ''Plum subgroup 12–12C,'' and ''Nut, tree, group 14–12'' to the table in paragraph (a)(2).

■ e. Revise paragraph (c).

The additions and revision read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

(a) General (1) * * *

Commodity	Parts per million
* * * * *	
Cottonseed subgroup 20C	0.20
Egg	0.07
* * * * *	
Poultry, fat	0.10
Poultry, meat byproducts	0.08
* * * * *	

(2) * * *

Commodity	Parts per million
* * * * *	
Carrot, roots	0.20
* * * * *	
Peach subgroup 12–12B	0.50
* * * * *	
Pepper/Eggplant subgroup 8–10B	1.0
* * * * *	
Plum Subgroup 12–12C	0.50
Nut, tree, group 14–12	0.20
* * * * *	

* * * * *

(c) *Tolerances with regional registrations.* Tolerances with regional registration are established for residues of the insecticide diflubenzuron (N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide), in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of diflubenzuron (N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide), 4-chlorophenylyurea and 4-chloroaniline, calculated as the stoichiometric equivalent of diflubenzuron, in or on the commodity.

Commodity	Parts per million
Alfalfa, forage	6.0
Alfalfa, hay	20
Alfalfa, seed	0.90

* * * * *

[FR Doc. 2016–02816 Filed 2–11–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0783; FRL–9941–49]

Benzyl acetate; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of benzyl acetate (CAS Reg. No. 140–11–4), when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops only under 40 CFR 180.920. Technology Sciences Group, on behalf of the Huntsman Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of benzyl acetate.

DATES: This regulation is effective February 12, 2016. Objections and requests for hearings must be received on or before April 12, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0783, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0783 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 12, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0783, by one of the following methods:

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

II. Petition for Exemption

In the **Federal Register** of Wednesday, March 4, 2015 (80 FR 11611) (FRL–9922–68), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition ((PP) IN–10748) by Technology Sciences Group (TSG) 1150 18th Street NW., Suite 1000, Washington, DC 20036, on behalf of the Huntsman Corporation, 8600 Gosling Road, The Woodlands, TX 77381. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of benzyl acetate (CAS Reg. No. 140–11–4) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops only. That document referenced a summary of the petition prepared by the Huntsman Corporation, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

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

low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

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

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for benzyl acetate including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with benzyl acetate follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by benzyl acetate as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

Benzyl acetate exhibits low levels of toxicity via the dermal route of exposure in rabbits and inhalation and oral routes of exposure in rats. It is mildly irritating to the skin and minimally irritating to the eyes in rabbits. It is not a skin sensitizer in guinea pigs.

In a 13-week feeding study in the rat, atrophic seminiferous tubules were observed in male rats at dose levels of 12,500 parts per millions (ppm) (equivalent to 900 milligrams/kilogram/day (mg/kg/day)). The NOAEL was identified as 6,250 ppm (460 mg/kg/day). In mice, following 13 weeks of exposure via the diet, decreased body weight and food consumption were observed at all doses. The LOAEL was 3,130 ppm (425 mg/kg/day). A NOAEL was not established.

In a developmental toxicity study in the rat, maternal and fetal toxicity were observed at 1,000 mg/kg/day. Maternal toxicity was manifested as decreased body weight and fetal toxicity was manifested as reduced body weights, increased incidence of dilation of the renal pelvis and skeletal variations. Although qualitative fetal susceptibility is observed, fetal effects occur in the presence of maternal toxicity and a clear NOAEL of 500 mg/kg/day was established for maternal and developmental toxicity.

The potential for benzyl acetate to be genotoxic was evaluated in a battery of *in vivo* mammalian genotoxicity studies. It was negative in the Ames assay (with and without metabolic activation), sister chromatid exchange assay, Chinese hamster ovary cell assay, mouse micronucleus assay and in the dominant lethal assay in Drosophila. However, it gave a positive response in the mouse lymphoma assay. Since other chromosomal aberrations assays as well as gene mutation assays and a dominant lethal assay gave a negative response, it is concluded that benzyl acetate is unlikely to be mutagenic.

Evidence of neurotoxicity and neuronal degeneration was identified in the 13-week studies in rats and mice. Signs of neurotoxicity included tremors and ataxia that were associated with the degeneration of the glial cells in the cerebellum and hippocampus at the doses ≥12,500 ppm (≥2,000 mg/kg/day). Since these effects were induced at doses above the limit dose (1,000 mg/kg/day) and the established cRfD of 1.10 mg/kg/day, will be protective of these effects, the concern is low for these effects.

There is evidence that benzyl acetate suppresses immune function in mammalian systems in the rat however this effect occurs only at a dose that is lethal and well above the limit dose. In the 13-week feeding study in the rat, a decrease in the cellular components of the bone marrow, thymus and lymphoid follicles was observed at 50,000 ppm (3,900 mg/kg/day for males and 4,500 mg/kg/day for females), the highest dose tested and well above the limit dose. The NOAEL for this study was 12,500 ppm (900 mg/kg/day). The potential for immunotoxicity is not of concern because the effects occur well above the limit dose and the exposure to benzyl acetate through the proposed use is unlikely to occur at such a high dose.

The carcinogenicity of benzyl acetate in $F_3$44/N rats, and B6C3F_1 mice using was evaluated using the gavage method of administration and corn oil as a vehicle. There were indications that benzyl acetate increased the incidences of pancreatic acinar cell adenomas in male rats and the incidences of hepatocellular adenomas and forestomach neoplasms in male and female mice. Because of the confounding effects of corn oil on the incidences of pancreatic neoplasm and because of the controversy over the use of the gavage route of administration, the National Toxicology Program (NTP) decided to re-study benzyl acetate using the dosed feed route of administration. In 1993, the NTP conducted a second set of carcinogenicity studies in rats and mice using the dose feed route of administration. Benzyl acetate was administered via the diet to rats and mice at doses up to 12,000 ppm (510/575 mg/kg/day, male/female). Toxicity was not observed in rats at any dose. In mice, males and females exhibited reduced body weight throughout the entire study at 345/375 mg/kg/day. There was no evidence of carcinogenicity in mice and rats. Since the exposure to benzyl acetate is likely to occur via the dietary route in humans and there is some uncertainty about the use of corn oil in the gavage study, it is concluded that benzyl acetate is

unlikely to be carcinogenic to humans via the dietary route of exposure.

In metabolism studies approximately 90% of benzyl acetate is excreted as metabolites primarily in the urine after oral or percutaneous administration. None was detected in the adipose tissue, blood, kidney, liver, lung, muscle, skin or stomach. The major metabolite in the urine was hippuric acid and 95 to 99% of the excreted dose was in this form. Less than 4% remained in the carcass.

B. Toxicological Points of Departure/ Levels of Concern

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

The point of departure for benzyl acetate is 110 mg/kg/day from the NTP 2-year carcinogenicity study in mice (dietary study) based on decreased in body weights in both sexes at the LOAEL of 345/375 mg/kg/day. There was no NOAEL observed in a 90-day toxicity study in mice based on the effects on body weights seen at all doses (lowest dose tested was 3,130 ppm; equal to 425 mg/kg/day); however, in a carcinogenicity study in mice no effects on body weight were seen at 110 mg/kg/day, therefore, the NOAEL for the carcinogenicity study would be protective of decreased body weights seen in a 90-day study in mice. Therefore, 90-day toxicity study in mice was not selected. This endpoint was used for all exposure scenarios. The dermal absorption and inhalation factors were 100%. The Agency applied an interspecies uncertainty factor (10X) and an intraspecies uncertainty factor (10X); the FQPA safety factor was reduced to 1X.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to benzyl acetate, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from benzyl acetate in food as follows:

An acute dietary risk assessment was not conducted because no endpoint of concern following a single exposure was identified in the available studies. A chronic dietary exposure assessment was completed and performed using the Dietary Exposure Evaluation Model DEEM–FCID™, Version 3.16, which includes food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, ''What We Eat In America'', (NHANES/ WWEIA). This dietary survey was conducted from 2003 to 2008. In the absence of actual residue data, the inert ingredient evaluation is based on a highly conservative model that assumes that the residue level of the inert ingredient would be no higher than the highest established tolerance for an active ingredient on a given commodity. Implicit in this assumption is that there would be similar rates of degradation between the active and inert ingredient (if any) and that the concentration of inert ingredient in the scenarios leading to these highest of tolerances would be no higher than the concentration of the active ingredient. The model assumes 100 percent crop treated (PCT) for all crops and that every food eaten by a person each day has tolerance-level residues. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738. Nonpesticidal dietary exposure to benzyl acetate (*e.g.,* use as a food additive (flavoring agent) were also considered as part of aggregate chronic dietary risk assessment.

2. *Dietary exposure from drinking water.* For the purpose of the screening-level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for benzyl acetate, a conservative drinking water concentration value of 100 ppb based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

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

Based upon the requested use of benzyl acetate, the Agency does not expect non-occupational, non-dietary exposures. However, there is a potential for residential exposure via non-pesticidal uses such as use in cosmetics and other, pesticide uses, once it is approved. The residential exposure could occur via ingestion products containing benzyl acetate, and via dermal and inhalation routes of exposure through use of products containing benzyl acetate in residential settings. These residential pesticide exposures are considered short-term and intermediate-term in nature. Residential exposures to benzyl acetate as the result of its use as a cosmetic ingredient may be short-, intermediate- or long-term in nature. The aggregate-short term exposure assessment for benzyl acetate considers exposures from the pesticidal and nonpesticidal uses (*i.e.,* flavoring agent and cosmetic ingredient) and would be protective of any potential long-term exposure to benzyl acetate resulting from its use in cosmetics as the same toxicological point of departure is used for all exposure durations and the average daily exposure estimates for cosmetic use is conservatively applied to all exposure durations.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found benzyl acetate to share a common mechanism of toxicity with any other substances, and benzyl acetate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that benzyl

acetate does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity* Qualitative fetal susceptibility was observed in the developmental study in rats. Maternal (decrease in body weight) and fetal (reduced body weights, increased incidence of dilation of the renal pelvis and skeletal variations) toxicity were observed at 1,000 mg/kg/day, the limit dose. Since fetal toxicity occurs in the presence of maternal toxicity and a clear NOAEL of 500 mg/kg/day was established, the established cRfD (1.10 mg/kg/day) will be protective of these effects. The potential for reproduction toxicity was observed in the 13-week dietary study in rats. Atrophy of seminiferous tubules was observed in males at 12,500 ppm (900 mg/kg/day). However, the concern for reproduction toxicity is low since effects occurred at a high dose and a clear NOAEL of 6,250 ppm (460 mg/kg/day) was established. Therefore, the established cRfD will be protective of this effect. In addition, no female reproductive parameters were affected in the developmental toxicity study in rats.

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

i. The toxicity database for benzyl acetate contains the following studies that are adequate to evaluate the potential toxicity of benzyl acetate for infants and children: A thirteen week feeding study in the rat, a 13-week feeding study in the mouse, a developmental toxicity study in the rat, several *in vivo* and *in vitro* mutagenicity studies, and carcinogenicity studies in mice and rats via gavage and dietary studies.

ii. Evidence of neurotoxicity and neuronal degeneration seen in a thirteen-week study was determined not to exceed levels of concern since the effects occurred at doses that were well above the limit dose (1,000 mg/kg/day). The established cRfD is 1.10 mg/kg/day therefore is protective of these effects.

iii. Qualitative fetal susceptibility was observed in the developmental study in rats. Maternal (decrease in body weight) and fetal (reduced body weights, increased incidence of dilation of the renal pelvis and skeletal variations) toxicity were observed at 1,000 mg/kg/day, the limit dose. Since fetal toxicity occurs in the presence of maternal toxicity and a clear NOAEL of 500 mg/kg/day was established, the established cRfD (1.10 mg/kg/day) will be protective of these effects. The potential for reproduction toxicity was observed in the 13-week dietary study in rats. Atrophy of seminiferous tubules was observed in males at 12,500 ppm (900 mg/kg/day). However, the concern for reproductive toxicity is low since effects occurred at a high dose and a clear NOAEL of 6,250 ppm (460 mg/kg/day) was established.

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

E. Aggregate Risks and Determination of Safety Section

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, benzyl acetate is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to benzyl acetate from food and water will utilize 62.9% of the cPAD for children ages 1 to 2, the population group receiving the greatest exposure.

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

Benzyl acetate is likely to be used as an inert ingredient in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to benzyl acetate. Using the exposure assumptions described in this unit for screening-level short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 150 for children ages 1 to 2 and 260 for adults. Because EPA's level of concern for benzyl acetate is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term adverse effect was identified, benzyl acetate is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in the dietary carcinogenicity studies in mice and rats, benzyl acetate is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to benzyl acetate residues.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the

Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.920 for benzyl aceetate (CAS Reg. No. 140–11–4) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops only.

VII. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 4, 2016.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.920 add alphabetically the entry ''Benzyl acetate'' to the table to read as follows:

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

* * * * *

Inert ingredients	Limits	Uses
* * *	*	*
Benzyl acetate (CAS Reg. No. 140–11–4).	.....	Solvent
* * *	*	*

[FR Doc. 2016–02815 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–226; FCC 15–118]

Broadcast Licensee-Conducted Contests

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements adopted in the Commission's Report and Order relating to the Amendment of the Commission's Rules Related to Broadcast Licensee-Conducted Contests. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the rule.

DATES: The amendments to 47 CFR 73.1216, published at 80 FR 64354, October 23, 2015, are effective on February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Cathy Williams by email at *Cathy.Williams@fcc.gov* and telephone at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on February 3, 2016, OMB approved information collection requirements contained in the Commission's Report and Order, FCC 15–118, published at 80 FR 64354. The OMB Control Number is 3060–1209. The Commission publishes this document as an announcement of the effective date of those information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 3, 2016, for the information collection

requirements contained in 47 CFR 73.1216, as amended in the Commission's Report and Order, FCC 15–118. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1209.

The foregoing notification is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

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

OMB Control Number: 3060–1209.

OMB Approval Date: February 3, 2016.

OMB Expiration Date: February 28, 2019.

Title: Section 73.1216, Licensee-Conducted Contests.

Form Number: None.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 20,732 respondents; 20,732 responses.

Estimated Time per Response: 0.1–9 hours.

Frequency of Response: On occasion reporting requirement, Third party disclosure requirement; Recordkeeping requirement.

Obligation to Respond: Required in order to monitor regulatory compliance. The statutory authority for this collection of information is contained in Sections 1, 4 and 303 of the Communications Act of 1934, as amended.

Total Annual Burden: 122,854 hours.

Total Annual Cost: $6,219,300.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission's amendments to its ''Contest Rule'' permit broadcast licensees to comply with their obligation to disclose material contest terms either by broadcasting those terms or by making them available in writing on a publicly accessible Internet Web site. The Commission's rule amendments also define the disclosure obligation in cases where a licensee has chosen to meet that obligation through an Internet Web site. The information collection requirements afford broadcasters more flexibility in the manner of their compliance with the Contest Rule while giving consumers improved access to important contest information.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2016–02900 Filed 2–11–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF AGRICULTURE

48 CFR Parts 436 and 452

RIN 0599–AA21

Agriculture Acquisition Regulation, Fire Suppression and Liability

AGENCY: Office of Procurement and Property Management, U.S. Department of Agriculture

ACTION: Final rule.

SUMMARY: The Office of Procurement and Property Management (OPPM) of the U.S. Department of Agriculture (USDA) amends the Agriculture Acquisition Regulation (AGAR) by adding a new clause entitled ''Fire Suppression and Liability.'' Section 8205 of the Agricultural Act of 2014 (2014 Act) provided the USDA Forest Service with permanent authority for Stewardship End Result Contracting by adding a new Section 604 to the Healthy Forests Restoration Act of 2003. Section 8205 contains a requirement that the agency use a fire liability provision in all stewardship contracts and agreements that is in substantially the same form as the fire liability provisions contained in the integrated resource timber contract in Forest Service Contract Numbered 2400–13, Part H, Section H.4. This final rule establishes a new clause in the AGAR, the USDA supplement to the Federal Acquisition Regulation (FAR), for use in Integrated Resource Service Contracts (IRSC) subject to the FAR. This new AGAR clause addresses fire liability on stewardship contracts as required in the 2014 Agricultural Act.

DATES: Effective March 14, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Ismaela Ramirez, Senior Procurement Analyst, USDA, Office of Procurement and Property Management at (202) 730–7997.

SUPPLEMENTARY INFORMATION:

I. Authority
II. Background
III. Discussion of Comments
IV. Summary of the Comments
V. Regulatory Information
List of Subjects

I. Authority

The enactment of Section 8205 of the Agricultural Act of 2014 (Pub. L. 113–79) establishes permanent authority to conduct Stewardship End Result Contracting projects by adding a new Section 604 to the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6591c). Section 8205 of the 2014 Agricultural Act contains a requirement that the agency use a fire liability provision in all stewardship contracts and agreements that is in substantially the same form as the fire liability provisions contained in the integrated resource timber contract in Forest Service Contract Numbered 2400–13, Part H, Section H.4 and timber sale contracts conducted pursuant to Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

II. Background

Beginning in 1998 with the enactment of Section 347 of the Department of the Interior and Related Agencies Appropriation Act, 1999, the Forest Service has been authorized to carry out Stewardship End Result Contracting Projects; first on a pilot basis and then, through a succession of subsequent amendments, this authority was expanded. The enactment of Section 8205 of the Agricultural Act of 2014 sets forth the permanent authority for conducting Stewardship End Resulting Contracting Projects by adding a new Section 604 to the Healthy Forests Restoration Act of 2003. Section 8205 contains a provision that ''not later than 90 days after the date of enactment of this section, the Chief of the Forest Service and the Director of the Bureau of Land Management shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form as the fire liability provisions contained in—(A) integrated resource timber contracts, as described in the Forest Service Contract Numbered 2400–13, Part H, Section H.4; and (B) timber sale contracts conducted pursuant to Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).''

This final rule establishes a new AGAR clause for use in stewardship contracts subject to the FAR. This clause addresses fire liability on Stewardship End Result Contracting, as required in the 2014 Agricultural Act. The text of the clause is closely specified in the law.

III. Discussion of Comments

USDA solicited comments on the interim rule on May 22, 2014. USDA received two comments at the end of the

posted comment period on June 23, 2014.

Both comments were received from the Federal Forest Resource Coalition (FFRC), a national trade association comprised of large and small companies, regional and state associations, county governments, and others concerned about the management of our National Forests and the landscape covered by Bureau of Land Management.

Both comments recommend changes to add clarity and consistency to the language in the regulations. The comments suggest that USDA follow the requirement of implementing a liability clause for IRSC contracts that mirrored Integrated Resource Timber Contracts (IRTC). The comments from FFRC are presented below, along with USDA's responses and are grouped by the Code of Federal Regulations (CFR) section numbers to which they apply.

48 CFR 436.578

Comment (1) In Section 436.578, we recommend that you delete ''as applicable''. Section 8205 of the Agricultural Act of 2014 states that ''. . . the Chief and Director *shall* issue for use in *all* [emphasis added] contracts and agreements under this section fire liability provisions . . .''

48 CFR 452.236–78

Comment (2) In Section 452.236–78, we recommend that you change ''may be inserted'' to ''shall be inserted''. Again, Section 8205 of the Agricultural Act of 2014 states that ''. . . the Chief and Director *shall* issue for use in *all* [emphasis added] contracts and agreements under this section fire liability provisions . . .''

Response: FFRC stated that the plain language in Section 8205 of the Agricultural Act of 2014 (Pub. L. 113–79) makes clear that Congress intended the fire liability provisions to be non-discretionary, both for the issuance of the provision and its use in all contracts. However, they believe that the language in the Interim Rule conveys discretion that is not found in the statute. The Forest Service agrees with both comments and will amend the CFR to read as follows: ''the Chief shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form (16 U.S.C. 472a) for all IRSC solicitations issued after May 22, 2014. Contracts and agreements in effect on May 22, 2014, are not eligible to insert this provision.'' The Forest Service believes the aforementioned statement in response to the two comments reflects the intention of the Farm Bill with regards to implementing a fire liability clause for Integrated Resources Services Contracts that mirrors current Timber Sales Contracts. This creates the same fire liability for all Forest Service stewardship contract types.

IV. Summary of the Comments

As a result of public comments received on the interim rule, USDA will amend the CFR to add clarity and consistency that reflects the intention of the Farm Bill with regard to implementing a fire liability clause for IRSCs that mirrors current Timber Sales Contracts.

V. Regulatory Information

Regulatory Flexibility Act

USDA certifies that this final rule will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* There is no additional submission required as a result of this action. The rule will not have a significant impact on the small business community or on a substantial number of small businesses.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any record keeping or information collection requirements that require approval by the Office of Management and Budget.

Environmental Impact

The USDA has determined that this final rule falls within this category of actions and that no extraordinary circumstances exist that would require preparation of an environmental assessment or environmental impact statement.

Regulatory Impact

This final rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant rule. This rule would not have an annual effect of $100 million or more on the economy, nor would it adversely affect productivity, competition, jobs, the environment, public health and safety, or State or local governments. This final rule would not interfere with an action taken or planned by another agency, nor raise new legal or policy issues. Finally, this final rule would not alter the budgetary impact of entitlement, grant, user fee, or loan programs or the rights and obligations of beneficiaries of such programs. Accordingly, this final rule is not subject to Office of Management and Budget (OMB) review under Executive Order (E.O.) 12866.

No Takings Implications

The USDA has analyzed this final rule in accordance with the principles and criteria contained in E.O. 12630 and determined that the rule would not pose the risk of a taking of private property.

Civil Justice Reform Act

The USDA has reviewed this final rule under E.O. 12778, Civil Justice Reform. Under this rule, (1) all State and local laws and regulations that conflict with this rule or that impede its full implementation would be preempted; (2) no retroactive effect would be given to this final rule; and (3) it would require administrative proceedings before parties may file suit in court challenging its provisions.

Federalism and Consultation and Coordination With Indian Tribal Governments

The USDA has considered this final rule under the requirements of E.O. 13132 on Federalism and has determined that this rule conforms to the Federalism principles in the E.O. The rule would not impose any compliance costs on the States; and would not have any substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Moreover, this final rule does not have tribal implications as defined by E.O. 13175, Consultation and Coordination with Indian Tribal Governments, and therefore advance consultation with tribes is not required.

Energy Effects

The USDA has reviewed this final rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or use and has determined that this rule would not constitute a significant energy action as defined in the E.O.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the USDA assessed the effects of this final rule on State, local, and tribal governments and the private sector. This rule would not compel the expenditure of $100 million or more by State, local, and tribal governments, or by the private sector. Therefore, a statement under Section 202 of the Act is not required.

List of Subjects 48 CFR Parts 436 and 452

Government procurement.

For the reasons set forth in the preamble, the U.S. Department of Agriculture amends 48 CFR Chapter 4, in the following manner:

PART 436—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 1. The authority citation for part 436 is revised to read as follows:

Authority: 5 U.S.C. 301 and 40 U.S.C. 121(c)

■ 2. Section 436.578 is revised to read as follows:

436.578 Contract clause.

Insert the clause at 452.236–78, *Fire Suppression and Liability* in solicitations and contracts for Integrated Resource Service Contracts (IRSC) awarded for the Forest Service.

PART 452—SOLICITATION PROVISION AND CONTRACT CLAUSES

■ 3. The authority citation for part 452 is revised to read as follows:

Authority: 5 U.S.C. 301 and 40 U.S.C. 121(c)

■ 4. Section 452.236–78 is revised to read as follows:

452.236–78 Fire Suppression and Liability.

As prescribed in section 436.578, the following clause shall be inserted in Intergrated Resource Service Contracts (IRSC) awarded for the Forest Service.

Fire Suppression and Liability Clause

(a) *Contractor's Responsibility for Fire Fighting.* The Contractor, under the provisions of FAR clause at 52.236–9, *Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements,* shall immediately extinguish all fires on the work site other than those fires in use as a part of the work. The Contractor may be held liable for all damages and for all costs incurred by the Government for labor, subsistence, equipment, supplies, and transportation deemed necessary to control or suppress a fire set or caused by the Contractor or the Contractor's agents or employees subject to the following fire classifications listed in subsection (b).

(b) *Fire Suppression Costs.* The Contractor's obligations for cost of fire suppression vary according to three classifications of fires as follows:

(1) *Operations Fire.* An ''operations fire'' is a fire caused by the Contractor's operations other than a negligent fire. The Contractor agrees to reimburse Forest Service for such cost for each operations fire, subject to a maximum dollar amount of [*Contracting Officer insert amount*]. The cost of the Contractor's actions, supplies, and equipment on any such fire, or otherwise provided at the request of Forest Service, shall be credited toward such maximum. If the Contractor's actual cost exceeds contractor's obligation stated above, Forest Service shall reimburse the contractor for the excess.

(2) *Negligent Fire.* A ''negligent fire'' is a fire caused by the negligence or fault of the Contractor's operations including, but not limited to, one caused by smoking by persons engaged in the Contractor's operations during the course of their employment, or during rest or lunch periods; or if the Contractor's failure to comply with requirements under this contract results in a fire starting, or permits a fire to spread. Damages and the cost of suppressing negligent fires shall be borne by the Contractor.

(3) *Other Fires on Contract Area.* Forest Service shall pay the Contractor, at firefighting rates common in the area or at prior agreed rates, for equipment or personnel furnished by the Contractor at the request of Forest Service, on any fire on contract area other than an operations fire or a negligent fire.

(c) *Contractor's Responsibility for Notification in Case of Fire.* The Contractor shall immediately notify the Government of any fires sighted on or in the vicinity of the work site.

(d) *Contractor's Responsibility for Responding to Emergencies.* When directed by the Contracting Officer, the Contractor shall temporarily redirect employees and equipment from the work site for emergency work (anticipated to be restricted to firefighting). This is considered to be within the general scope of the contract. An equitable adjustment for any such redirection of employees and equipment will be made under the FAR clause at 52.243–4, Changes.

(e) *Performance by the Contractor.* Where the Contractor's employees, agents, contractors, subcontractors, or their employees or agents perform the Contractor's operations in connection with fire responsibilities, the Contractor's obligations shall be the same as if performance was by Contractor.

(f) *State Law.* The Contractor shall not be relieved by the terms of this contract of any liability to the United States for fire suppression costs recovered in an action based on State law, except for such costs resulting from operations fires. Amounts due to the Contractor for firefighting expenditures on operations fires shall not be withheld pending settlement of any such claim or action based on State law.

(End of Clause)

Dated: February 4, 2016.

Gregory L. Parham,

U.S. Department of Agriculture, Assistant Secretary for Administration.

[FR Doc. 2016–02745 Filed 2–11–16; 8:45 am]

BILLING CODE 3410–TX–P

Proposed Rules

Federal Register
Vol. 81, No. 29
Friday, February 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.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2015–1126]

RIN 1625–AA08

Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for certain waters of the Chesapeake Bay. This action is necessary to provide for the safety of life on these navigable waters located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD, during a paddling event on May 14, 2016. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Baltimore or Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 14, 2016.

ADDRESSES: You may submit comments identified by docket number USCG–2015–1126 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On December 28, 2015, ABC Events, Inc. notified the Coast Guard that it will be conducting the Bay Bridge Paddle from 8 a.m. until noon on May 14, 2016, to both showcase the kayak and stand up paddle board water sport for intermediate and elite paddlers, and benefit the Annapolis Chapter of the Foundation for Community Betterment and the Maryland Chapter of the Special Olympics. The paddle race is to be held under and between the north and south spans of the William P. Lane, Jr. (US–50/301) Memorial Bridges, located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD. Elite paddlers will depart Sandy Point and proceed easterly along a 4.2-mile course toward Kent Island, turn around upon reaching a point near Kent Island, and proceed back to Sandy Point. Intermediate paddlers will depart Sandy Point and proceed easterly along the same 4.2-mile course toward Kent Island, however, they will turn around upon reaching the half way point (2.1 miles), and proceed back to Sandy Point. Hazards from the paddle race include event numerous event participants crossing designated shipping channels and interfering with vessels intending to operate within those channels. The COTP Baltimore has determined that potential hazards associated with the paddle race would be a safety concern for anyone intending to operate within certain waters of the Chesapeake Bay between Sandy Point and Kent Island, MD.

The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on certain waters of the Chesapeake Bay before, during, and after the scheduled event.

The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233, which authorize the Coast Guard to establish and define special local regulations.

III. Discussion of Proposed Rule

The COTP Baltimore proposes to establish special local regulations from 7:30 a.m. until 12:30 p.m. on May 14, 2016, and, if necessary due to inclement weather, from 7:30 a.m. until 12:30 p.m. on May 15, 2016. The regulated area would cover all navigable waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges from shoreline to shoreline, bounded to the north by a line drawn parallel and 500 yards north of the north bridge span that originates from the western shoreline at latitude 39°00′36″ N., longitude 076°23′05″ W. and thence eastward to the eastern shoreline at latitude 38°59′14″ N., longitude 076°20′00″ W., and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′16″ N., longitude 076°24′30″ W. and thence eastward to the eastern shoreline at latitude 38°58′38.5″ N., longitude 076°20′06″ W. The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 8 a.m. until noon paddle event. Except for Bay Bridge Paddle participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Baltimore or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Chesapeake Bay for 5 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the Coast Guard Patrol Commander deems it safe to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this proposed rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 5 hours. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

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

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

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

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35–T05–1126 to read as follows:

§ 100.501–T05–1126 Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD.

(a) *Regulated area.* The following location is a regulated area: All navigable waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges from shoreline to shoreline, bounded to the north by a line drawn parallel and 500 yards north of the north bridge span that originates from the western shoreline at latitude 39°00′36″ N., longitude 076°23′05″ W., and thence eastward to the eastern shoreline at latitude 38°59′14″ N., longitude 076°20′00″ W., and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′16″ N., longitude 076°24′30″ W., and thence eastward to the eastern shoreline at latitude 38°58′38.5″ N., longitude 076°20′06″ W. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Captain of the Port Baltimore* means the Commander, U.S. Coast Guard Sector Baltimore, Maryland or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels participating in the Bay Bridge Paddle event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(c) *Special local regulations:* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, mooring, or anchor, all persons and vessels within the regulated area at the time it is implemented are to depart the regulated area.

(3) Persons desiring to transit the regulated area must first obtain authorization from the Captain of the Port Baltimore or Coast Guard Patrol Commander. Prior to the enforcement period, to seek permission to transit the area, the Captain of the Port Baltimore can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, to seek permission to transit the area, the Coast Guard Patrol Commander can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) for direction.

(4) The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. until 12:30 p.m. on May 14, 2016, and if necessary, due to inclement weather, from 7:30 a.m. until 12:30 p.m. on May 15, 2016.

Dated: January 29, 2016.

Lonnie P. Harrison, Jr.,

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

[FR Doc. 2016–02814 Filed 2–11–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0250; FRL–9942–16–Region 4]

Air Plan Approval; Tennessee: Removal of I/M Program in Memphis and Revisions to the 1997 8-Hour Ozone Maintenance Plan for Shelby County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State of Tennessee's May 23, 2014, State Implementation Plan (SIP) revision, submitted through the Tennessee Department of Environment and Conservation (TDEC) on behalf of the Shelby County Health Department (SCHD), seeking to modify the SIP by removing the Inspection and Maintenance (I/M) program in the City of Memphis, Tennessee, and by incorporating Shelby County's revised maintenance plan for the 1997 8-hour ozone national ambient air quality standards (NAAQS). Among other things, the revised maintenance plan updates the emissions inventory estimates and the motor vehicle emissions budgets (MVEBs) for the years 2006 and 2021 and contains an emissions reduction measure to offset the emissions increase expected from the termination of City of Memphis I/M program. EPA has preliminarily determined that Tennessee's May 23, 2014, SIP revision is consistent with the applicable provisions of the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before March 14, 2016.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R04–OAR–2014–0250 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2014–0250, 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.

5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2014–0250. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *i.e.,* CBI 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 in *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: Richard Wong, 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. Mr. Wong may be reached by phone at (404) 562–8726 or via electronic mail at *wong.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. What is being proposed?

EPA is proposing to approve Tennessee's May 23, 2014, SIP revision seeking to remove the City of Memphis I/M program from the SIP and to incorporate Shelby County's revised maintenance plan for the 1997 8-hour ozone NAAQS into the SIP.[1] The maintenance plan includes, among other things, an emissions reduction measure to offset the emissions increase expected from the termination of City of Memphis I/M program as well as revised emission inventory estimates and revised MVEBs based upon new modeling associated with the termination of the I/M program and the inclusion of the offset measure. The SIP revision also contains a technical demonstration that the requested removal of the I/M program will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

II. What is the background of the Shelby County maintenance area?

Shelby County was designated as nonattainment for the carbon monoxide (CO) NAAQS on March 3, 1978. *See* 43 FR 8962. Local transportation sources in the City of Memphis were identified as the prime contributors to monitored CO violations in Shelby County at that time. The City of Memphis I/M program was adopted as a control strategy to attain the CO NAAQS.

On July 26, 1994 (59 FR 37939), EPA redesignated Shelby County to attainment for the CO standard and approved the initial 10-year CO maintenance plan for Shelby County. Subsequently, further improvements in automotive technology led to a consistent reduction in locally monitored levels of CO. On October 25, 2006, EPA approved the required second 10-year CO maintenance plan which demonstrated that I/M was no longer needed to maintain the CO NAAQS. *See* 71 FR 62384.

On April 30, 2004, EPA designated Shelby County, Tennessee, and Crittenden County, Arkansas, as nonattainment for the 1997 8-hour ozone NAAQS, with a classification of 'moderate' (hereinafter collectively referred to as the ''Memphis 1997 8-hour Ozone Area''). *See* 69 FR 23858. Under CAA section 182(b)(4), moderate ozone nonattainment areas with a census-defined urbanized area population over a given threshold are required to adopt basic I/M as part of the required SIP.

Following the initial designations for the 1997 8-hour ozone standard, Shelby County, the State of Tennessee, Crittenden County, and the State of Arkansas adopted additional measures to control ozone-forming emissions in the region and petitioned EPA to use its discretion under CAA section 181(a)(4) to reclassify the area from moderate to marginal. On September 22, 2004, EPA granted the petition to reclassify the area, which removed the SIP planning requirements mandated of moderate ozone nonattainment areas, including the adoption of a mandatory I/M program, and reset the attainment deadline to June 15, 2007. *See* 69 FR

[1] The contingency measures portion of Shelby County's maintenance plan for the 1997 8-hour ozone NAAQS, as incorporated into the SIP, includes the implementation of an I/M program in Shelby County as a contingency measure should a monitored violation of the 1997 8-hour ozone NAAQS occur in the former Memphis, TN–AR nonattainment area. The proposed SIP revision will not remove the I/M program from the contingency measures in the SIP-approved maintenance plan.

56697. The Area failed to attain the 1997 8-hour ozone NAAQS by the marginal area attainment deadline. Consequently, on March 28, 2008, EPA reclassified the Area as a moderate nonattainment area. *See* 73 FR 16547. This reclassification reset the attainment deadline to June 15, 2010, with an attainment plan SIP revision due on March 1, 2009, to address all CAA requirements for a moderate ozone nonattainment area, including an I/M program in Shelby County pursuant to CAA section 184(b)(4).

The end of the 2008 ozone monitoring season resulted in a design value for the Memphis 1997 8-hour Ozone Area that met the NAAQS. Tennessee, Mississippi, and Arkansas prepared separate, but coordinated, redesignation requests and maintenance plans for their respective portions of the Area. Tennessee, on behalf of Shelby County, submitted the redesignation request and maintenance plan for its portion of the 1997 8-hour Ozone Area to EPA on February 26, 2009, prior to the attainment plan SIP revision due date.

EPA approved Tennessee's redesignation request and maintenance plan on January 4, 2010. *See* 75 FR 56. Although there was no longer a mandatory requirement to implement I/M in Shelby County under section 184(b)(4) of the CAA, the City of Memphis continued to operate its I/M program, and the SIP-approved maintenance plan for the 1997 8-hour ozone NAAQS includes the implementation of a basic I/M program in Shelby County as a contingency measure in the event that the 1997 8-hour ozone NAAQS is violated in the 1997 8-hour Ozone Area after redesignation. In mid-2012, the Memphis City Council voted to defund the City of Memphis I/M program beginning with Fiscal Year 2013/2014. Vehicle inspection operations at all four City of Memphis inspection stations ended on June 28, 2013. Tennessee's May 23, 2014, SIP submission addresses the termination of this program.

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). EPA designated Shelby County; Crittenden County, Arkansas; and a portion of Desoto County, Mississippi, as a marginal nonattainment area for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012) (hereinafter collectively referred to as the ''Memphis 2008 8-hour Ozone Area''). *See* 77 FR 30088 (May 21, 2012). Currently, monitoring data for the Memphis 2008 8-hour Ozone Area indicates that the Area has attaining data for the 2008 8-hour ozone NAAQS. As noted previously, marginal ozone nonattainment areas are not required to adopt an I/M program.

III. What are the requirements of CAA Sections 110(l) and 193?

Section 110(l) of the CAA requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) (as defined in section 171), or any other applicable requirement of the Act. Tennessee's May 23, 2014, SIP revision includes a demonstration that the requested actions comply with section 110(l) of the CAA. EPA evaluates each section 110(l) noninterference demonstration on a case-by-case basis considering the circumstances of each SIP revision.

EPA interprets 110(l) as applying to SIP revisions for all areas of the country, whether attainment, nonattainment, unclassifiable, or maintenance for one or more of the six criteria pollutants.[2] EPA also interprets section 110(l) to require a demonstration addressing all criteria pollutants whose emissions and/or ambient concentrations may change as a result of the SIP revision. The degree of analysis focused on any particular NAAQS varies depending on the nature of the emissions associated with the proposed SIP revision.

In nonattainment areas, EPA will generally not approve a SIP revision under 110(l) that allows additional emissions of pollutants for which the area is designated nonattainment in the absence of equivalent emissions reductions or an attainment demonstration addressing the proposed changes to the SIP. ''Equivalent'' emissions reductions are reductions that are equal to or greater than those reductions achieved by the control measure approved in the SIP. To show that compensating emissions reductions are equivalent, adequate justification must be provided. The compensating, equivalent reductions must represent actual emissions reductions achieved in a contemporaneous time frame to the change of the existing SIP control measure in order to preserve the status quo level of air emissions. If the status quo is preserved, noninterference is demonstrated. In addition to being contemporaneous, the equivalent emissions reductions must also be permanent, enforceable, quantifiable, and surplus.

Section 193 of the CAA prohibits the modification of control measures in effect before November 15, 1990, in a nonattainment area for any air pollutant unless the modification insures equivalent or greater emission reductions of that pollutant. Shelby County included a section 193 analysis in its SIP revision because it requested removal of the I/M program from the SIP, because Shelby County is in a nonattainment area for the 2008 8-hour ozone NAAQS, and because I/M programs may impact ozone air quality.[3] As discussed in Section IV, Shelby County included emissions reductions from the closure of the Cleo, Inc. (Cleo) facility to offset the estimated increase in emissions due to the termination of the City of Memphis I/M program and to support the State's analysis of its requested actions under CAA sections 110(l) and 193 as they relate to the ozone NAAQS.[4]

IV. What is EPA's analysis of Tennessee's submittal and request?

Tennessee's May 23, 2014, SIP revision seeks to remove the City of Memphis I/M program from the SIP and incorporate Shelby County's revised maintenance plan for the 1997 8-hour ozone NAAQS. The maintenance plan includes, among other things, an emissions reduction measure to offset the emissions increase expected from the termination of City of Memphis I/M program as well as revised emission inventory estimates and revised MVEBs based upon new modeling associated with the requested removal of the I/M program and upon the inclusion of an offset measure.[5] The SIP revision also contains a technical demonstration to support the State's analysis of its requested actions under CAA sections 110(l) and 193. The revised MVEBs are discussed later on in this document.

a. Non-interference Analyses Related to the Removal of the City of Memphis I/M Program

Tennessee's SIP revision includes an evaluation of the impact that the requested removal of the City of Memphis I/M program would have on attainment and maintenance of the NAAQS for each criteria pollutant. This

[2] The six NAAQS for which EPA establishes health and welfare based standards are CO, lead, NO_2, ozone, PM, and SO_2.

[3] Shelby County is designated nonattainment only for the 2008 8-hour ozone NAAQS.

[4] The Cleo facility was a gift wrap manufacturing plant and warehouse located at 4025 Viscount Avenue, Memphis, Tennessee.

[5] The other revisions to the maintenance plan are textual changes addressing the requested removal of the I/M program, the inclusion of the Cleo facility offsets, the revised MVEBs and emissions inventory, and voluntary measures that may improve ozone air quality in the 1997 8-hour Ozone Area. These textual changes do not result in emissions increases and therefore will not interfere with attainment or maintenance of any NAAQS.

notice focuses on the ozone and particulate matter (PM) NAAQS because the termination of the I/M program is expected to increase VOC emissions from on-road mobile sources and because VOCs are precursors to ozone and PM.[6 7 8 9] The SIP revision includes revised mobile source emissions modeling using EPA's Motor Vehicle Emission Simulator (MOVES) on-road mobile source model to estimate the emissions increases associated with the termination of the I/M program. As part of its technical demonstration under CAA sections 110(l) and 193, Tennessee's SIP revision quantifies the emissions reductions from the closure of the Cleo, Inc. facility for use as offsets for the requested removal of the I/M program from the SIP and includes those offsets in its revised maintenance plan for incorporation into the SIP.

i. Non-Interference Analysis for the Ozone NAAQS

The SIP revision quantifies the potential emissions increases in NO_X and VOC due to the termination of the I/M program using MOVES2010b,[10] the most current EPA-approved on-road emission model at the time that Tennessee submitted its SIP revision, with inputs developed by the current travel demand model (TDM) used by the Memphis Area Metropolitan Planning Organization (MPO). Shelby County chose 2013 as the year for analysis of the affected change in emissions after consultation with air quality and transportation partners, including the MPO and EPA, because the I/M program terminated in June 2013.

The 2013 inputs for the MOVES model were developed by interpolating TDM results for 2011 and 2015 in order to use the model to estimate the emissions increases in 2013 associated with the termination of the Memphis I/M program. The results of this modeling are provided in Table 1:

TABLE 1—ON-ROAD MOBILE SOURCE EMISSIONS COMPARISON FOR THE 2013 OZONE SEASON

	No I/M	With I/M	Change	
	tons/day	tons/day	tons/day	percentage
VOC	13.609	13.257	0.352	2.66
NO_X	29.652	29.652	0.000	0.00

The County's on-road mobile source modeling predicts that the termination of the City of Memphis I/M program will increase 2013 ozone season VOC by approximately 0.352 tons per ozone season day and will not increase NO_X emissions. Therefore, the SIP revision includes VOC emissions reductions that offset 128.48 tons per year (tpy) (0.352 tons per day (tpd) multiplied by 365 days per year).[11]

Tennessee's SIP revision seeks to incorporate the emissions reductions from the closure of the Cleo facility for use as offsets for the termination of the I/M program. The company ceased operation in 2011 and submitted a letter to Shelby County on January 4, 2012, requesting termination of its Title V air permit effective at the end of 2011, making the reductions permanent and enforceable. SCHD issued a Title V termination letter on April 3, 2012. Shelby County quantified the emissions reductions associated with the Cleo facility shutdown by averaging the certified annual emissions reported by the facility to the County in 2009 and 2010, the last two full years of operation. In 2009 and 2010, Cleo reported and paid air pollution fees on actual VOC emissions of 239.1 tons and 254.5 tons, respectively, resulting in an annual average of 246.8 tpy (0.676 tpd across the calendar year). During the same operational period, Cleo averaged 1.09 tpy of NO_X emissions (0.003 tpd across the calendar year). Shelby County banked the Cleo shutdown emissions reductions for use as industrial permitting offsets in the Memphis 2008 8-hour Ozone Area and has elected to remove 0.387 tpd (0.352 tpd multiplied by the 1.1:1 offset ratio in CAA section 182(a)(4)) of these shutdown VOC emissions reductions from the bank to offset the estimated VOC emissions increase resulting from the termination of the I/M Program. EPA proposes to agree with the County's technical demonstration.

ii. Non-Interference Analysis for the PM NAAQS

Shelby County evaluated the potential for the requested removal of the I/M program to interfere with maintenance of the PM NAAQS in the County because studies have shown that VOCs can be a precursor to PM in certain chemical and meteorological circumstances. The County concluded that the termination of the I/M program would not interfere with attainment or maintenance of the $PM_{2.5}$ NAAQS because the $PM_{2.5}$ design values for the Area are below the $PM_{2.5}$ NAAQS; VOC emissions are projected to decline through 2021 without the I/M program; and the VOC emissions reductions from the shutdown of the Cleo facility offset the projected VOC emissions increases from the termination of the I/M program. EPA proposes to agree with the County's technical demonstration.

b. 1997 8-Hour Ozone NAAQS Maintenance Plan—Emissions Inventory Update

The revised maintenance plan included in Tennessee's SIP revision contains an updated emissions inventory with emissions projections that account for the termination of the I/M program and the closure of the Cleo facility. Shelby County emissions for 2021 remain the same as those provided in the Shelby County 1997 8-hour Ozone Maintenance Plan approved by EPA on January 4, 2010 (75 FR 56), with the exception of on-road mobile and point source emissions. On-road emissions for 2006 and 2021 in the revised maintenance plan were remodeled using MOVES2010b, and they replace the on-road emissions

[6] EPA redesignated Shelby County to attainment for the CO NAAQS in 1994. *See* 59 FR 37939. On October 25, 2006, EPA approved the second ten-year CO maintenance plan for the Memphis/Shelby County CO Maintenance Area with a 2017 CO safety margin of 480.69 tpd that did not include the I/M program and concluded that the I/M program is not necessary for maintenance of the CO standard. *See* 71 FR 62384.

[7] Sulfur dioxide (SO_2) is emitted from motor vehicles, but the amount emitted is a function of the sulfur content of the fuel being combusted. Because the I/M program did not address fuel composition, its termination has no impact on SO_2 emissions.

[8] The termination of the I/M program will have no impact on lead emissions because lead is no longer blended into on-road motor fuel.

[9] On February 17, 2012, EPA designated all counties in Tennessee as unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532. NO_2 is a subset of NO_X, and as shown in the mobile source modeling, termination of the I/M program does not increase NO_X emissions.

[10] Shelby County's 2010b MOVES modeling conforms with EPA's modeling guidance at the time of the SIP submittal.

[11] Using an annual average provides a more conservative estimate for the total amount of emissions reductions needed as an offset.

estimates derived from the previous model, MOBILE6.2. The MOVES model includes the road class VMT as an input file and generates on-road mobile source emissions estimates that take into consideration expected Federal tailpipe standards, fleet turnover, and new fuels. The MOVES modeling accounts for the termination of the I/M program in 2013.

Point source emissions for 2006 remain the same; however, Tennessee adjusted the 2021 point source emissions for VOCs and NO_X from the 2010 1997 8-hour Ozone Maintenance Plan by including the emissions reductions resulting from the closure of the Cleo facility. The change in emissions for on-road and point source is reflected in Table 2, and projections for on-road mobile, point, area, and non-road mobile sources are presented in Table 3. The revised maintenance inventory demonstrates that future emissions of VOCs and NO_X through 2021 will remain below those in base year 2006, thereby indicating that Shelby County will continue to maintain the 1997 8-hour ozone NAAQS through the end of the maintenance plan period.

TABLE 2—CHANGE IN NO_X AND VOC EMISSIONS INVENTORY

[Ozone season tons per day]

Type inventory	Year	On-road	Point
VOC			
Base year	2006	−1.23	No change
Projection	2021	−2.80	−0.676
NO_X			
Base year	2006	2.14	No change
Projection	2021	−0.96	−0.003

TABLE 3—NO_X AND VOC EMISSIONS INVENTORY

[Ozone season tons per day]

Type inventory	Year	Area	Non-road	On-road *	Point **	Total	Baseline
VOC							
Base year	2006	37.531	22.698	23.986	13.665	97.880	97.880
Projection	2021	47.039	19.734	8.558	17.715	93.046	97.880
NO_X							
Base year	2006	2.101	26.657	58.013	14.458	101.229	101.229
Projection	2021	2.695	21.607	16.035	18.373	58.710	101.229

* 2006 on-road emissions include emissions reductions from the City of Memphis I/M program, and the 2021 on-road emissions projections include emissions increases from the termination of the City of Memphis I/M program.

** The 2021 point source projections for VOC and NO_X account for the shutdown of the Cleo facility and have been reduced from the 2021 VOC and NO_X point source projections in the 2010 maintenance plan by 0.676 tpd and 0.003 tpd, respectively.

c. What are the Revised MVEBs?

Tennessee's May 23, 2014, maintenance plan revision updates the MVEBs for 2006 and 2021 using on-road mobile source emissions estimates from MOVES and removes the MVEBs for 2009 and 2017. The revised 2021 MVEB accounts for the termination of the I/M program and the shutdown of the Cleo facility. These budgets are used by transportation authorities to assure that transportation plans, programs, and projects are consistent with, and conform to, the maintenance of acceptable air quality in the Memphis 1997 8-hour Ozone Area.

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

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

62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB.

According to 40 CFR 93.118, a maintenance plan must establish MVEBs for the last year of the maintenance plan (in this case, 2021). The updated MVEBs in the revised maintenance plan for the 1997 8-hour ozone NAAQS are for the base year (2006) and the last year of the first 10-year maintenance plan (2021). The 2021 MVEB reflects the total on-road mobile source emissions for 2021 plus an allocation from the available VOC and NO_X safety margins. The MVEBs are presented in Table 4.

TABLE 4—SHELBY COUNTY VOC AND NO_X MVEBS

(Ozone season tons per day)

	2006	2021
NO_X	58.013	56.428
VOC	23.986	12.782

The previously approved 1997 8-hour ozone maintenance plan for Shelby County contained interim MVEBs for years 2006, 2009, and 2017 in addition to the required maintenance year MVEB of 2021. The consensus formed during the interagency consultation process was that MVEBs should only be set for 2006 and 2021.[12] Therefore, the revised maintenance plan removes the interim budgets for years 2009 and 2017.

Under 40 CFR 93.101, the safety margin is the difference between the attainment level and the projected level, from all sources, of emissions in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which Shelby County met the 1997 8-hour ozone NAAQS. The safety margin, in whole or in part, can be allocated to the transportation sector as long as total emissions from all categories remain below the attainment level.

For the revised 2021 MVEBs, Shelby County allocated ninety-five percent of the VOC and NO_X safety margin emissions to the MVEB.[13] Specifically, Shelby County allocated 4.224 tpd of the available VOC safety margin and 40.393 tpd of the available NO_X safety margin to the 2021 MVEBs. The remaining safety margin in 2021 for VOC is 0.223 tpd and for NO_X is 2.126 tpd. The allocation from the safety margins is available because of reductions of VOC and NO_X that have occurred, and are projected to occur through 2021, primarily from mobile sources. VOC and NO_X reductions are anticipated from non-road mobile source categories, but not to the extent that they occur in the on-road source category. VOC reductions from area sources are also anticipated to occur due to control techniques instituted on a federal level on industrial manufacturing activities. However, future population increases act to balance area source reductions such that there is a net increase in VOC emissions in this source category.

The MVEB is constrained to assure that the total emissions from all source categories do not exceed the 2006 attainment year emissions. The MVEBs are consistent with the plan for maintaining total emissions from all source categories at or below the 2006 VOC and NO_X emission levels through 2021. For future year conformity determinations, transportation authorities must rely on the MVEBs unless plan revisions occur. Through this rulemaking, EPA is proposing to approve the MVEBs for NO_X and VOC for 2006 and 2021 for Shelby County because EPA believes that the County maintains the 1997 8-hour ozone NAAQS with the emissions at the levels of the budgets. After thorough review, EPA is proposing to approve the budgets because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2021.

V. Proposed Action

EPA is proposing to approve Tennessee's May 23, 2014, SIP revision that seeks to remove the City of Memphis I/M program from the SIP and incorporate Shelby County's revised maintenance plan for the 1997 8-hour ozone NAAQS that includes an emission reduction measure to offset the emission increases associated with the requested removal of the I/M program from the SIP. The revised maintenance plan also contains updated attainment inventories and updated MVEBs for NO_X and VOC for 2006 and 2021 for Shelby County.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal 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 proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive 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 (Public Law 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 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.

[12] The transportation conformity provisions of the CAA require interagency consultation in the development of MVEBs. The consultation process involves federal agencies (EPA, Federal Highway Administration, and Federal Transit Administration), state and local transportation agencies, state and local air agencies, and metropolitan planning organizations.

[13] Shelby County calculated the NO_X safety margin by subtracting 2021 projected emissions from 2006 baseline emissions and further subtracting 0.387 tpd to account for the offset applied to the removal of the City of Memphis I/M program (*i.e.,* 97.880 tpd (2006 baseline) − 93.046 tpd (2021 projection) − 0.387 tpd (offset applied) = 4.447 tpd (NO_X safety margin)).

List of Subjects in 40 CFR Part 52

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

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

Dated: January 28, 2016.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2016–02844 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0751; FRL–9942–06–Region 9]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Environmental Protection Agency (EPA) issued a proposed rule in the **Federal Register** on December 2, 2015, proposing to approve a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). The December 2, 2015 proposal provided for a 30-day public comment period ending January 4, 2016. One document in the docket for this proposal was not listed at *www.regulations.gov* until after the comment period had closed. EPA is reopening the comment period for 15 days to ensure the public has an opportunity to review and comment on all material in the docket.

DATES: Any comments must arrive by February 29, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2015–0751 at *www.regulations.gov*, or via email to *steckel.andrew@epa.gov*.

For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Nicole Law, EPA Region IX, (415) 947–4126, *Law.Nicole@epa.gov.*

SUPPLEMENTARY INFORMATION: This document reopens the public comment period established in the proposed rule published in the **Federal Register** on December 2, 2015 (80 FR 75442) (FRL–9939–64–Region 9). In that document, EPA solicited comments on a proposed rule to approve revisions to the SJVUAPCD's Rule 4702 (Internal Combustion Engines) and referenced a technical support document (TSD) containing further information about the rule. Due to an administrative error, the TSD was not available on *www.regulations.gov* until after the close of the comment period on January 4, 2016. Although EPA did not receive any public comments on this proposal or any requests for the TSD, EPA is reopening the comment period for another 15 days to ensure that the public has an opportunity to review and comment on all material in the docket. Accordingly, any comments on this proposed rule must be received on or before February 29, 2016.

List of Subjects in 40 CFR Part 52

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

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

Dated: February 2, 2016.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2016–02845 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0855; FRL–9942–14–Region 10]

Approval and Promulgation of Implementation Plans; Idaho: Interstate Transport Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a submittal by the Idaho Department of Environmental Quality (Idaho DEQ) demonstrating that the State Implementation Plan (SIP) meets certain interstate transport requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for nitrogen dioxide (NO_2) on January 22, 2010. Specifically, the Idaho DEQ reviewed monitoring and modeling data to show that sources within Idaho do not significantly contribute to nonattainment, or interfere with maintenance, of the NO_2 NAAQS in any other state.

DATES: Comments must be received on or before March 14, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0855 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, the full

EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information that is restricted by statute from disclosure. 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 at *http://www.regulations.gov* or at EPA Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that 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 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information please contact John Chi at (206) 553–1185, or *chi.john@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

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I. Background

On January 22, 2010, the EPA established a primary NO_2 NAAQS at 100 parts per billion (ppb), averaged over one hour, supplementing the existing annual standard (75 FR 6474). Within three years after promulgation of a new or revised standard, states must submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2), often referred to as infrastructure requirements. On December 24, 2015, the Idaho DEQ submitted a SIP revision to address CAA section 110(a)(2)(D)(i)(I) requirements. The submittal included monitoring and modeling data analysis to demonstrate that sources within Idaho do not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2 and 2010 sulfur dioxide NAAQS in any other state. This action addresses the 2010 NO_2 NAAQS only. We intend to address the 2010 sulfur dioxide NAAQS in a separate, future action.

II. Evaluation

CAA section 110(a)(2)(D)(i)(I) requires state SIPs to contain adequate provisions prohibiting any source or other type of emissions activity within a state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in any other state.

In the December 24, 2015 submittal, the Idaho DEQ reviewed air quality monitoring data for the United States and found that all monitored areas in the country met the 2010 NO_2 NAAQS for the design value period 2008 through 2010. The Idaho DEQ also reviewed estimated background concentrations for the 1-hour NO_2 standard for the design value period 2009 through 2011. The modeled design values for that period were well below the 1-hour NO_2 NAAQS of 100 ppb. The Idaho DEQ concluded that based on monitoring data and modeled background concentrations Idaho does not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2 NAAQS in any other state.

In addition to reviewing Idaho's submittal, the EPA reviewed more recent monitoring data for NO_2 throughout the United States. Using previous EPA methodology,[1] EPA evaluated specific monitors identified as having nonattainment and/or maintenance problems, which we refer to as ''receptors.'' EPA identifies nonattainment receptors as any monitor that has violated the NO_2 NAAQS in the most recent three-year period. Meanwhile, EPA identifies NO_2 maintenance receptors as any monitor that violated the NO_2 NAAQS in either of the prior monitoring cycles (2010–2012 and 2011–2013), but attained in the most recent monitoring cycle (2012–2014). During the three most recent design value periods of 2010 through 2012, 2011 through 2013, and 2012 through 2014, we found no monitors violating the 2010 NO_2 NAAQS in the United States.[2] Using this methodology, the EPA found no monitors meeting the criteria as a nonattainment receptor and/or as a maintenance receptor. Further, we note that available information indicates that monitored values are well below the 100 ppb 1-hour NO_2 NAAQS in states bordering Idaho. The highest design value in bordering states for the most recent period is 68 ppb, at Utah County, Utah, as shown in the table below.

TABLE 1—1-HOUR NO_2 NAAQS DESIGN VALUES IN STATES BORDERING IDAHO

State	County	Site	2012–2014 DV (ppb)
MT	Rosebud	300870001	7
NV	Washoe	320310016	54
OR	Multnomah	410510080	35
UT	Cache	490050004	49
UT	Carbon	490071003	31
UT	Salt Lake	490353006	55
UT	Utah	490490002	68
WY	Campbell	560050892	35
WY	Fremont	560130099	5
WY	Sublette	560350101	22
WY	Sweetwater	560370300	20
WY	Uinta	560410101	12

[1] *See* NO_X SIP Call, 63 FR 57371 (October 27, 1998); CAIR, 70 FR 25172 (May 12, 2005); and Transport Rule or Cross-State Air Pollution Rule, 76 FR 48208 (August 8, 2011).

[2] *http://www.epa.gov/airtrends/values.html.*

The EPA also reviewed regulatory provisions to control future new sources of nitrogen oxide emissions in Idaho. We note that on April 17, 2014, we approved Idaho's NO_2 infrastructure SIP (79 FR 21669). In that action, we stated that Idaho generally regulates emissions of nitrogen oxides through its SIP-approved new source review permitting programs and operating permit regulations. Idaho's new source review permitting rules are found at IDAPA 58.01.01.200 through 228. These rules help ensure that no new or modified source of nitrogen oxides will cause or contribute to violation of the NO_2 NAAQS. In addition, Idaho's Tier II operating permit regulations at IDAPA 58.01.01.400 through 410 require that to obtain an operating permit, the applicant must demonstrate the source will not cause or significantly contribute to a violation of any ambient air quality standard. These rules state that Idaho DEQ will require a Tier II source operating permit if Idaho DEQ determines emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration increment.

Based on our review of the Idaho submittal, air quality monitoring data, and provisions in the current Federally-approved Idaho SIP regulating new sources, we believe it is reasonable to conclude that emissions from Idaho do not significantly contribute to nonattainment of the 2010 NO_2 NAAQS. We also do not expect the monitors in states bordering Idaho, identified in Table 1 above, to have difficulty maintaining the 2010 NO_2 NAAQS. We believe it is reasonable to conclude that emissions from Idaho do not interfere with maintenance of the 2010 NO_2 NAAQS in any other state.

III. Proposed Action

The EPA has reviewed the December 24, 2015 submittal from the Idaho DEQ demonstrating that sources in Idaho do not significantly contribute to nonattainment, or interfere with maintenance, of the NO_2 NAAQS in any other state. We have also reviewed recent monitoring data and regulatory provisions in the Federally-approved Idaho SIP. Based on our review, we are proposing to find that the Idaho SIP meets the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2010 NO_2 NAAQS.

IV. Statutory and Executive Orders Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, 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 this action does not involve technical standards; and
- does not provide the 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 the 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).

List of Subjects in 40 CFR Part 52

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

Dated: January 27, 2016.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2016–02846 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 74

[OET Docket Nos. 14–165, 14–166 and 12–268; Report No. 3037]

Petitions for Reconsideration of Action in a Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by Howard S. Shapiro, on behalf of Audio-Technica U.S., Inc., Laura Stefani, on behalf of Sennheiser Electronic Corp., Paul Margie, on behalf of Google Inc., Paula Boyd, on behalf of Microsoft Corporation, Stephen E. Coran, on behalf of Wireless Internet Service Providers Association, Rick Kaplan, on behalf of National Association of Broadcasters, Lawrence J. Movshin, on behalf of WMTS Coalition, Catherine Wang, on behalf of Shure Incorporated, Ari Q. Fitzgerald, on behalf GE Healthcare, Gordon Moore, on behalf of Lectrosonics, Inc. and Telecommunications Law Professionals PLLC, on behalf of Carlson Wireless Technologies, Inc. and Cal.net, Inc.

DATES: Oppositions to the Petitions must be filed on or before February 29, 2016. Replies to an opposition must be filed on or before March 25, 2016.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hugh Van Tuyl, Policy and Rules Division, Office of Engineering and Technology, (202) 418–7506, email: *Hugh.VanTuyl@fcc.gov.* Paul Murray, Policy and Rules Division, Offiice of Engineering and Technology, (202) 418–0688, email: *Paul.Murray@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 3037, released January 12, 2016. The full text of the Petitions is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be accessed online via the Commission's Electronic

Comment Filing System at *http://apps.fcc.gov/ecfs/.* The Commission will not send a copy of this Notice pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(l)(A) because this notice does not have an impact on any rules of particular applicability.

Number of Petitions Filed: 12.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2016–02899 Filed 2–11–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for rulemaking.

SUMMARY: Based on the agency's evaluation, NHTSA denies a petition for rulemaking from Mr. David K. Aberizk, P.E., of Integrated Consultants Incorporated, who requests the development of safety standards for a driver-activated vehicle regenerative braking interface with distinct rear lighting indication. The petitioner claims that the recommended changes to the relevant safety standards would allow vehicle manufacturers to better utilize the regenerator technology to increase vehicle efficiency. NHTSA finds that some features of the suggested concept are not prohibited by existing Federal motor vehicle safety standards (FMVSS) and notes that Mr. Aberizk did not demonstrate how the other features address a motor vehicle safety need. FMVSS Nos. 108 and 135 currently specify performance requirements relevant to certain permitted technologies identified in the petition.

DATES: February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Gavin, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Summary of Petition
II. Agency Analysis
III. Agency Decision

I. Summary of Petition

On April 14, 2012, David K. Aberizk, P.E., petitioned NHTSA requesting development of safety standards for a driver-activated vehicle regenerative braking interface with a distinct rear indicator lamp.[1] On July 14, 2013, Mr. Aberizk submitted additional information in the format of a petition for rulemaking. The agency considers these two submissions as one petition for rulemaking because both pertain to the same concept of driver-activated vehicle regenerative braking. Specifically, Mr. Aberizk requests that NHTSA define the location and geometric parameters for a brake control device and the actions required for safe operation. Additionally, Mr. Aberizk requests that NHTSA define the parameters for a rear lamp to signal vehicle slowing.

Mr. Aberizk states that regenerator technology is currently integrated as a component of the conventional friction braking system in electric or hybrid electric motor vehicles, which limits the potential of the device to recover energy. He claims that hybrid and electric vehicles with driver-activated regenerative braking systems (RBS) increases overall efficiency by 6 percent over existing RBS.[2]

Mr. Aberizk recommends that the agency establish a new safety standard for regenerator engagement to adopt performance requirements, which he believes will interest automakers in embracing increased efficiency concepts, such as his operator-initiated slowing design. Mr. Aberizk provided graphic illustrations showing potential locations for an activation control device on the steering wheel or gear selector, and an expanded center high-mounted stop lamp (CHMSL) assembly. In his first information submission, Mr. Aberizk refers the reader to the Integrated Consultants Incorporated Web site for additional details on the driver-activated RBS empirical test findings and his U.S. patent, Vehicle Regenerative Deceleration Actuator and Indicator System and Method.

In his supplemental submission, Mr. Aberizk states that current RBS technologies underutilize the potential of brake regenerators to increase vehicle efficiency. With an operator-initiated slowing feature added to existing RBSs, Mr. Aberizk claims that overall efficiency increases by 6 percent in hybrid and electric vehicles, and by at least 2.5 percent for mild-hybrid vehicles. As presented, the slowing concept relies on the driver to manually engage the regenerator to slow the vehicle, independent of the brake pedal application. Finally, Mr. Aberizk included a summary of the comment and the attachment he submitted to NHTSA's notice of proposed rulemaking (NPRM) to establish Corporate Average Fuel Economy (CAFE) Standards for model years 2017 and beyond.[3]

II. Analysis of Petition

Although the submission met the requirements to be accepted as a rulemaking petition, NHTSA does not endorse specific products, designs, or equipment, as Mr. Aberizk requests. NHTSA develops and issues Federal motor vehicle safety standards in order to reduce crashes, deaths and injuries resulting from motor vehicle crashes.[4] Motor vehicle safety standards are primarily performance standards, intended to allow manufacturers to choose which products, designs, and equipment best satisfy the requirements. That said, in the interest of completeness, the agency conducted a technical review of Mr. Aberizk's petition. Because the petition involves topics related to multiple FMVSSs, the agency's technical review of the slowing device was separate from its review of the illumination indicator.

Slowing Device

Mr. Aberizk requests that NHTSA define the location and geometric parameters for an operator activated slowing control device with a human-machine interface required for safe operation. Mr. Aberizk offers anecdotal observations and evaluations, but did not submit quantitative data. For vehicles configured with the slowing device, he claims a 'noticeable' increase in range for test distances of 15 miles or greater, as well as a 50 to 75 percent reduction in brake pedal usage. The petition does not, however, assess how these factors, if accurate, would lead to safety benefits attributable to the driver-activated slowing concept. Additionally, NHTSA is not aware of any data that establish a correlation between

[1] Original petition available at *http://www.regulations.gov,* Docket No. NHTSA–2012–0010–0003.

[2] Mr. Aberizk does not specify whether Graph 1 in Appendix A–1 of the additional data collected and reported July 14, 2013 refers to the overall efficiency of the vehicle at turning power into movement, or to the efficiency of the regenerative braking system in particular. As discussed further below, however, it is irrelevant to the agency's determination of whether to begin rulemaking to establish a new FMVSS.

[3] Mr. Aberizk's comment to that NPRM can be viewed at *http://www.regulations.gov,* Docket No. NHTSA–2010–0131–0278.

[4] See 49 U.S. Code § 30101, Purpose and Policy, section (1).

enhanced RBS performance and reduced crash rates.

Perhaps more relevant, however, we note that a manually-enhanced feature to increase recovered braking energy is not prohibited by FMVSS No. 135, the light vehicle braking standard that includes requirements for the service brake system, associated parking brake system, and optional regenerative braking systems. FMVSS No. 135 defines RBS as an electrical energy system that is installed in an electric vehicle for recovering or dissipating kinetic energy and which uses the propulsion motor(s) as a retarder for partial braking of the electric vehicle while returning electrical energy to the propulsion battery(s) or dissipating electrical energy. FMVSS No. 135 expressly states that for an electric vehicle equipped with RBS, the RBS is considered to be part of the service brake system, if it is automatically activated by an application of the service brake control, if there is no means provided for the driver to disconnect or otherwise deactivate it, and if it is activated in all transmission positions, including neutral. For an electric vehicle that is equipped with antilock brake system (ABS) and RBS that is part of the service brake system, the ABS must control the RBS. A vehicle equipped with or without RBS must meet the stopping performance requirements of FMVSS No. 135.

Information compiled by the Federal government estimates the combined city/highway driving energy recovered by regenerative braking to be 5 to 9 percent.[5] Mr. Aberizk claims that vehicles with driver-activated RBS would incrementally increase the energy recovered by an additional 2.5 to 6 percent. Although the amount of energy recovered may be considered economically beneficial, it is not a safety concern that warrants the adoption of a safety standard. Mr. Aberizk extolled the fuel economy benefits of the technology in support of his petition, but fuel economy benefits are not relevant to whether a technology will improve safety. Moreover, even in the CAFE program, NHTSA does not mandate the use of particular technologies. Like the FMVSSs, CAFE standards are performance standards. Manufacturers are free to choose whatever technologies they wish, and NHTSA does not specify particular technologies in that context either.

Illumination Indicator

In the petition, Mr. Aberizk also requests that NHTSA define the parameters for an additional rear lamp to signal vehicle slowing. Because we are denying the petition with respect to braking, we need not address the part of the petition related to lighting because without a new brake requirement, there is no need for a new lighting requirement.

In order for NHTSA to consider establishing a new safety standard, the agency must determine that a safety need exists and that the suggested concept will reduce the crash risk. For example, NHTSA completed rulemaking action to require center high mounted stop lamps as standard lighting equipment after extensive research that quantified the crash problem and estimated the safety impact and the effectiveness of the new equipment.[6] Hence, a petitioner bears the burden of providing data to justify the safety need for the recommended amendments to the relevant safety standard.[7]

Finally, Mr Aberizk claims that development of safety standards will keep product liability of an operator-initiated slowing system neutral to the industry. Because NHTSA regulates motor vehicle safety and not tort liability, the agency refrains from drawing legal conclusions about Mr. Aberizk's operator-initiated slowing device.

III. Agency Decision

In accordance with 49 CFR part 552, this completes the agency's review of the petition for rulemaking. NHTSA believes that the current requirements specified in FMVSS Nos. 108 and 135 do not prohibit certain features suggested in the petition. The petitioner did not demonstrate a safety need or substantiate claims of reduced crash risk associated with the petitioned concept. Therefore, NHTSA denies David K. Aberizk's petition.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

Issued in Washington, DC, under authority delegated in 49 CFR part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2016–02763 Filed 2–11–16; 8:45 am]

BILLING CODE 4910–59–P

[5] *http://www.fueleconomy.gov/feg/atv-hev.shtml* (2% to 4% highway driving and 8% to 14% city driving).

[6] See 48 FR 48235, October 18, 1983.

[7] See Statement of Policy published in 63 FR 59482, on November 4, 1998.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 300

RIN 0648–AX63

Trade Monitoring Procedures for Fishery Products; International Trade in Seafood; Permit Requirements for Importers and Exporters; Public Meeting; Correction

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

ACTION: Notice of public meeting; correction.

SUMMARY: The National Marine Fisheries Service published a document in the **Federal Register** of February 8, 2016, concerning a public webinar to present details of a previously issued proposed rule (which published December 29, 2015) for electronic filing of seafood trade documents. The document contained an incorrect date for the webinar.

FOR FURTHER INFORMATION CONTACT: Mark Wildman, Office of International Affairs and Seafood Inspection; telephone: (301) 427–8350.

Correction

In the **Federal Register** of February 8, 2016, in FR Doc. 2016–02418, on page 6489, in the first column, correct the **DATES** caption to read:

DATES: The meeting will be held Wednesday, February 17, 2016, from 3 p.m. until 4 p.m. eastern standard time. Written comments on the proposed rule (December 29, 2015; 80 FR 81251) must be received by February 29, 2016.

Dated: February 8, 2016.

Jeffrey Weir,

Acting Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2016–03053 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648–XD907

Pacific Island Fisheries; Hawaii Bottomfish and Seamount Groundfish; Revised Essential Fish Habitat and Habitat Areas of Particular Concern

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

ACTION: Notice of availability of fishery ecosystem plan amendment; request for comments.

SUMMARY: NMFS announces that the Western Pacific Fishery Management Council (Council) proposes to amend the Fishery Ecosystem Plan for Fisheries of the Hawaiian Archipelago. If approved, Amendment 4 would revise the descriptions of essential fish habitat (EFH) and habitat areas of particular concern (HAPC) for 14 species of bottomfish and three species of seamount groundfish in the Hawaiian Archipelago. The proposed action considers the best available scientific, commercial, and other information about the fisheries, and supports the long-term sustainability of fishery resources.

DATES: NMFS must receive comments on the proposed amendment by April 12, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0056, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0056,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record, and NMFS will generally post them for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The Council prepared Amendment 4 that provides background information on the proposed action. The amendment is available from *www.regulations.gov* or the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, *www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Matt Dunlap, Sustainable Fisheries Division, NMFS PIR, 808–725–5177.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage Hawaii fisheries under the Fishery Ecosystem Plan for Fisheries of the Hawaiian Archipelago. Typically, the Council recommends conservation and management measures for NMFS to implement under the authority of Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The Magnuson-Stevens Act contains EFH provisions to identify and protect important habitats of federally-managed fish. EFH are those waters and substrates necessary for fish to spawn, breed, feed, and grow to maturity. HAPC are a subset of EFH, and HAPC criteria include the importance of the habitat's ecological function, the extent to which the habitat is sensitive to human-induced environmental degradation, what development activities are or will be stressing the habitat, and the rarity of the habitat type. Federal agencies that fund, permit, or undertake activities that may adversely affect EFH are required to consult with NMFS regarding the potential effects of their actions on EFH, and to respond to NMFS recommendations.

The Council and NMFS have improved their understanding of the life histories and specific habitat requirements of Hawaii bottomfish and seamount groundfish. After considering the new information, the Council recommended revising the EFH and HAPC designations in the FEP.

NMFS must receive comments on the proposed amendment by April 12, 2016 for consideration in the decision to approve, partially approve, or disapprove the amendment.

Current EFH and HAPC for Hawaii Bottomfish

The current designation for overall EFH for Hawaii bottomfish is the ''water column extending from the shoreline to the outer boundary of the 200-mile EEZ [Exclusive Economic Zone] to a depth of 400 m.'' The current designation for HAPC is ''all escarpments and slopes between 40–280 m and three known areas of juvenile *P.* [*Pristipimoides*] *filamentosus* habitat'' (Table 1).

Current EFH and HAPC for Hawaii Seamount Groundfish

The overall EFH for Hawaii seamount groundfish is currently defined as the ''water column and bottom habitat from 0–600 m in the EEZ, bounded by latitude 29°–35° N., and longitude 171° E.,–179° W.'' The seamount groundfish EFH encompasses the Hancock Seamounts, part of the northern extent of the Hawaiian Ridge, located 1,500 miles northwest of Honolulu. Currently, there are no HAPC designations for Hawaii seamount groundfish (Table 1).

TABLE 1—CURRENT EFH AND HAPC FOR BOTTOMFISH AND SEAMOUNT GROUNDFISH

Species assemblage	EFH (eggs)	EFH (larvae)	EFH (juveniles)	EFH (adults)	HAPC (all life stages)
Bottomfish Shallow Complex. Bottomfish Deep Complex	Water column extending from the shoreline to the outer boundary of the EEZ to a depth of 400 m.		Water column and bottom habitat extending from shoreline to a depth of 400 m.		All escarpments and slopes between 40–280 m and three known areas of juvenile *P. filamentosus* habitat.

TABLE 1—CURRENT EFH AND HAPC FOR BOTTOMFISH AND SEAMOUNT GROUNDFISH—Continued

Species assemblage	EFH (eggs)	EFH (larvae)	EFH (juveniles)	EFH (adults)	HAPC (all life stages)
Seamount Groundfish	Epipelagic zone (0 to 200 m depth) of all waters bounded by 29°–35° N., and 171° E.–179° W.			Water column and bottom habitat from 80 m to 600 m, bounded by 29°–35° N. and 171° E.–179° W.	Not identified.

Proposed Changes to EFH and HAPC of Bottomfish and Seamount Groundfish of the Hawaiian Archipelago

Bottomfish

Under the changes proposed in Amendment 4, the overall EFH designation for Hawaii bottomfish would remain the same, *i.e.,* waters 0–400 m deep within the EEZ. The Council's recommendations are a refinement with respect to which life stages and species assemblages are associated with a particular EFH designation. The amendment proposes to revise descriptions of habitat importance for individual species, which reflects updated information about depth range and life history for each life stage of each bottomfish. The amendment proposes to designate EFH for three bottomfish complexes (shallow, intermediate, and deep) instead of the current two (shallow and deep). The amendment proposes replacing the previous life stage terms of larvae, juvenile, and adults with the terms post-hatch pelagic, post-settlement, and sub-adult/adult, respectively. The amendment uses the term ''pelagic'' to refer to the water column that excludes bottom habitat, ''benthopelagic'' for the water column and benthic habitat, and ''benthic'' for the bottom habitat and the immediately adjacent waters in which a bottom-dwelling fish might live. Revised HAPC designations are for seven distinct sites in the main Hawaiian Islands (Table 2).

Seamount Groundfish

Under the changes proposed in Amendment 4, EFH for Hawaii seamount groundfish would be an area that overlaps the Hancock Seamounts Ecosystem Management area, or the waters within the EEZ north of 28° N. and west of 180° W. The proposed revisions to EFH for seamount groundfish involve distinctions over depth ranges at various life stages. The Council is proposing to designate the same area described for EFH above as HAPC for seamount groundfish (Table 2). Previously there were no HAPC designated for seamount groundfish in the Hawaiian archipelago.

TABLE 2—PROPOSED EFH AND HAPC FOR BOTTOMFISH AND SEAMOUNT GROUNDFISH

Species assemblage	EFH (eggs)	EFH (post-hatch pelagic)	EFH (post-settlement)	EFH (sub-adult/adult)	HAPC (all life stages)
Bottomfish Shallow Complex.	Water column from 0–240 m depth extending from the shoreline to the outer boundary of the EEZ.		Water column from 0–240 m depth extending from the shoreline to the outer boundary of the EEZ.		Kaena Point, Oahu Kaneohe Bay, Oahu Makapuu, Oahu Penguin Bank, Oahu Pailolo Channel, Maui North Kahoolawe, Kahoolawe Hilo, Hawaii (see Amendment text and Appendices 4 and 5 for specific site locations).
Bottomfish Intermediate Complex.	Water column from 0–320 m depth extending from the shoreline to the outer boundary of the EEZ.		Water column from 40–320 m depth from the shoreline to the outer boundary of the EEZ.		
Bottomfish Deep Complex.	Water column from 0–400 m depth extending from the shoreline to the outer boundary of the EEZ.		Water column from 80–400 m depth from the shoreline to the outer boundary of the EEZ.		
Seamount Groundfish	Pelagic waters 0–600 m depth within the EEZ north of 29° N., and west of 179° W.		Benthic or benthopelagic waters from 120–600 m depth within the EEZ north of 29° N., and west of 179° W.	Benthopelagic waters from 120–600 m depth within the EEZ north of 29° N. and west of 179° W.	All waters from 0–600 m depth within the EEZ north of 29° N., and west of 179° W.

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

Dated: February 8, 2016.

Samuel D. Rauch III,

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

[FR Doc. 2016–02843 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 81, No. 29

Friday, February 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

National Institute of Food and Agriculture

Request for Public Engagement in the Interagency Special Report '2nd State of the Carbon Cycle Report (SOCCR–2)'

AGENCY: National Institute of Food and Agriculture (NIFA) on behalf of the United States Global Change Research Program (USGCRP), Department of Agriculture.

ACTION: Request for Public Comments on a Draft Report. Prospectus, Technical Input, and Nominations for Technical Contributors.

SUMMARY: The U.S. Carbon Cycle Science Program and the Carbon Cycle Interagency Working Group (CCIWG), under the auspices of the U.S. Global Change Research Program (USGCRP), are initiating an Interagency Special Report entitled the 2nd State of the Carbon Cycle Report (referred to as ''SOCCR–2'' or ''the Report'' throughout this notice). The United States Department of Agriculture (USDA) has agreed to be lead agency for this report as it is relevant to USDA and USDA has experience in producing a similar highly successful report of Climate Change and Food Security. The focus of SOCCR–2 will be on U.S. and North American carbon cycle processes, stocks, and flows in the context of and interactions with global scale budgets and climate change impacts in managed and unmanaged systems. Carbon stocks and fluxes in soils, water (including oceans), vegetation, aquatic-terrestrial interfaces (*e.g.,* coastal, estuaries, wetlands), human settlements, agriculture and forestry are included. The Report will consider relevant carbon management science perspectives and science-based tools for supporting and informing decisions, as addressed in and related to the U.S. Carbon Cycle Science Plan (2011), and other documents such as the USGCRP Strategic Plan (2012) and the White House Climate Action Plan (2013). The status of, and emerging opportunities for, improving measurements, observations and projections of stocks and fluxes in the carbon cycle, including uncertainty identification, will be part of the Report. SOCCR–2 will be a product of the USGCRP, organized and led by the Agency members of the CCIWG. This request for public engagement presents opportunities to (1) submit comments on the Draft Report Prospectus, (2) submit scientific/technical information to inform the assessment, and (3) nominate technical contributors.

DATES: Written comments on the Draft Prospectus, technical information, and nominations for technical contributors must be received by 5:00 p.m., ET on March 14, 2016.

ADDRESSES: Comments on the Draft Prospectus, technical information, and nominations for technical contributors must be submitted electronically via *https://www.globalchange.gov/notices.*

Instructions: Response to this notice is voluntary. Respondents need not reply to all components. Responses to this notice may be used by the government for program planning on a non-attribution basis. NIFA therefore requests that no business proprietary information or copyrighted information be submitted in response to this notice. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: USGCRP Contact: Dr. Gyami Shrestha; telephone 202–223–6262; or email: *CarbonReport@usgcrp.gov.*

NIFA Contact: Dr. Nancy Cavallaro; telephone 202–401–5176; or email: *ncavallaro@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Request for Comments on the Draft Prospectus

A. How To Submit Comments on the Draft Prospectus

The Draft Prospectus describes the proposed plans for scoping, drafting, reviewing, producing, and disseminating SOCCR–2. Comments are specifically sought on the Draft Report outline (including the draft table of contents), proposed topics, and process as outlined in the Draft Prospectus. The Draft Prospectus and instructions to submit comments can be found at *http://www.globalchange.gov/notices.* Section I(B) below provides a brief summary of the prospectus.

B. Summary of the Draft Prospectus for the Interagency Special Report '2nd State of the Carbon Cycle Report (SOCCR–2)'

1. Overview

The SOCCR–2 report is a synthesis and assessment focusing on U.S. and North American carbon cycle processes, stocks, and flows in the context of and interactions with global scale budgets and climate change impacts in managed and unmanaged systems.

2. Proposed Focus Areas and Table of Contents

Current status and near-term projections for each topic will be included. If and where possible, modeling and multi-model syntheses of the carbon cycle will be included. As appropriate, each chapter will address cross-cutting themes such as: Land use change, fluxes, feedbacks, historical context, indicators and trends, societal impacts, North American and global scales (based on the 2014 National Climate Assessment regions), carbon management, impacts of decisions, and research needs. The expanded draft table of contents can be found on *http://www.globalchange.gov/notices.*

Preface—The Preface will explain the importance of the carbon cycle to climate, the scope and rationale for SOCCR–2, and key developments since SOCCR–1.

Chapter 1: Global carbon cycle overview—Chapter 1 will contain an overview of major elements of the coupled global carbon cycle (*i.e.,* carbon dioxide and methane) as well as discuss key interactions with climate forcing and feedback components from a global perspective.

Chapter 2: Carbon cycle at scales—Chapter 2 will provide an assessment of the North American carbon cycle (scaled down from the global system in chapter 1), including updated regional, and local perspectives on key carbon stocks and flows.

Chapter 3: Carbon in natural and anthropogenic systems—major stocks, flows, uncertainties, broader social

drivers, carbon decisions—Chapter 3 will provide an assessment of key carbon stocks (*e.g.,* soils, aquatic systems, vegetation, urban, livestock, oceans, etc.) and the flows within and between these pools, including key uncertainties and social drivers. Example Focus Areas that may be incorporated in the above include urban carbon, Arctic carbon, livestock and wildlife.

Chapter 4: Interactions/disturbance: Impacts to the carbon cycle—Chapter 4 will focus on the role of disturbances, such as fire, ocean acidification, pathogens, land use change, etc. on the carbon cycle.

Chapter 5: Carbon cycle information, management practices, tools and needs at various scales—Chapter 5 will assess the role of recent carbon management practices and highlight the current state of carbon data management, monitoring systems, tools, and carbon relevant modeling scenarios.

Chapter 6: Synthesis, conclusions, gaps in knowledge, and (near) future outlook—Chapter 6 will provide an overarching synthesis of the current state of the carbon cycle while identifying key knowledge gaps/opportunities and a near-term outlook on the North American Carbon cycle.

C. Process

1. Audience and Communications

The audience includes scientists, decision-makers in the public and private sectors and the general interested community across the U.S., extending to North American and global regions. The report may ultimately be used to inform policies but will not prescribe or recommend them.

2. Technical Contributors and Required Expertise

The SOCCR–2 Report will be a federal interagency report. Technical contributors may be federal employees, academic scientists, private and nonprofit sector representatives, and others as appropriate and in alignment with federal requirements. The technical contributors will be selected based on their scientific expertise; demonstrated accomplishments; academic interests and knowledge in the thematic areas specified in the draft outline; time availability; and technical capability to work in this type of broad interdisciplinary and cross-cutting scientific assessment setting. The main roles and responsibilities of the technical contributors may include compiling the necessary background literature; synthesizing, analyzing and interpreting the existing science; and contributing intellectual and technical input. The process for nominating technical contributors is provided in Section III below.

3. Agency Roles

A Federal Steering Committee of the USGCRP's SOCCR–2 has been established to provide guidance and coordination to the report authors and staff. The Committee members represent CCIWG member departments and agencies including National Oceanic and Atmospheric Administration (NOAA), National Aeronautics and Space Administration (NASA), Department of Energy (DOE), United States Department of Agriculture (USDA), U.S. Geological Survey (USGS) and Environmental Protection Agency (EPA).

4. Information Quality and Peer Review

The USGCRP's 2nd State of the Carbon Cycle Report will use referenced materials derived primarily from the existing, peer-reviewed scientific literature and consistent with guidance regarding the use of other literature. This report will follow the USDA Information Quality Guidelines and administrative processes (*http://nifa.usda.gov/resource/usda-information-quality*) including the Office of Management and Budget (OMB) federal information quality, transparency, and accessibility guidelines appropriate for a Highly Influential Scientific Assessment (HISA) (*http://www.cio.noaa.gov/services_programs/pdfs/OMB_Peer_Review_Bulletin_m05-03.pdf*). The report will undergo peer review by the National Academy of Sciences, public review, and final interagency clearance.

5. Process for Public Engagement

The written comments on the Draft Prospectus, technical information, and nominations for technical contributors called for in this notice are the first opportunities for public participation in the SOCCR–2 report process. Federal Steering committee will provide several opportunities for public engagement with the scientific community throughout the report scoping, planning and writing process via special presentations, sessions, town hall meetings and side-events at national and international scientific conferences. A public review period for the Draft SOCCR–2 will also be announced via a **Federal Register** notice, after its completion. Updates will be provided on *https://www.carboncyclescience.us/* as available.

6. Proposed Timing

SOCCR–2, with a likely release in 2017, is designed to inform the next quadrennial National Climate Assessment (due in 2018).

II. Call for Relevant Scientific Information To Inform the Special Report

Interested parties are invited to assist in contributing, collecting and refining the scientific information base for this special report. To do so, parties are asked to submit recent, relevant scientific and/or technical research studies including observed, modeled and/or projected carbon cycle science information that have been peer reviewed and published or accepted for publication in scientific journals and/or government reports. All scientific literature submitted in response to this call for information must be received by 5:00 p.m., ET on March 14, 2016.

Submissions must be uploaded electronically via the link provided on *http://www.globalchange.gov/notices.*

III. Call for Nominations for Technical Contributors

This notice seeks nominations for technical contributors to SOCCR–2 with pertinent subject matter expertise and scientific background. Potential technical contributors should be accomplished scholarly writers and have demonstrated scientific and technical expertise and academic proficiency in at least one of the carbon cycle science topics outlined in the prospectus (available via *www.globalchange.gov/notices*), including the human dimensions of carbon cycle sciences. Submissions must demonstrate that nominees have demonstrated technical backgrounds, such that they could contribute to the development of a robust scientific, technical assessment as subject matter experts in one or more of the topics listed under Section 2 above and in the Draft Prospectus.

Responses to this request must be received by 5:00 p.m., ET on March 14, 2016. Please follow instructions on *www.globalchange.gov/notices.* Interested persons may nominate themselves or third parties, and may nominate more than one person. Each nomination must include: (1) The nominee's full name, title, institutional affiliation, and contact information; (2) the nominee's area(s) of expertise; (3) a short description of his/her qualifications relative to contributing to SOCCR–2; and (4) a current resume (maximum length four [4] pages). Nominations will be reviewed, and

nominees may be invited to participate as technical contributors to SOCCR–2.

Done at Washington, DC, this 8th day of February, 2016.

Sonny Ramaswamy,

Director, National Institute of Food and Agriculture.

[FR Doc. 2016–02927 Filed 2–11–16; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Utility Service

Submission for OMB Review; Comment Request

February 9, 2016.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 14, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: 7 CFR 1744–C, Advance and Disbursement of Funds—Telecommunications.

OMB Control Number: 0572–0023.

Summary of Collection: Section 201 of the Rural Electrification Act (RE Act) of 1936 authorizes the Administrator of the Rural Utilities Service (RUS) to make loans for the purpose of providing telephone service to the widest practicable number of rural subscribers. A borrower requesting loan advances must submit RUS Form 481, ''*Financial Requirement Statement*''. Along with the Form 481 the borrower must also submit a description of the advances and upon request copies of backup documentation relating to the transactions. Within a reasonable amount of time, funds are advanced to the borrower for the purposes specified in the statement of purposes. The borrower must immediately deposit all advanced money into a Special Construction account until disbursed.

Need and Use of the Information: The information collected is used by RUS to record and control transactions and verify that the funds advanced in the construction fund are related directly to loan purposes. If the information were not collected, RUS would not have any control over how loan funds are spent or a record of the balance to be advanced.

Description of Respondents: Business or other for-profit.

Number of Respondents: 177.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,223.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–02949 Filed 2–11–16; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Briefing and Business Meeting.

DATES: Friday, February 19, 2016, at 9 a.m. EST.

ADDRESSES: *Place:* National Place Building, 1331 Pennsylvania Ave. NW., 11th Floor, Suite 1150, Washington, DC 20245 (Entrance on F Street NW.).

FOR FURTHER INFORMATION CONTACT: Gerson Gomez, Media Advisor at telephone: (202) 376–8371, TTY: (202) 376–8116 or email: *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: This business meeting is open to the public. If you would like to listen to the briefing or business meeting, please contact the above for the call-in information.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at signlanguage@usccr.gov at least seven business days before the scheduled date of the meeting. During the briefing portion, Commissioners will ask questions and discuss the briefing topic with the panelists. The public may submit written comments on the topic of the briefing to the above address for 30 days after the briefing. Please direct your comments to the attention of the ''Staff Director'' and clearly mark ''Briefing Comments Inside'' on the outside of the envelope. Please note we are unable to return any comments or submitted materials.

Comments may also be submitted by email to *qccomments@usccr.gov.*

Meeting Agenda

I. Approval of Agenda

II. Quiet Crisis Briefing Federal Funding and the Unmet Physical and Legal Infrastructure Needs of Indian Country

A. Opening Remarks: 9:00 a.m.–9:10 a.m.

B. Panel 1: Native American Advocacy Groups: 9:10 a.m.–10:30 a.m.

Speakers' Remarks

- Jacqueline Pata, National Congress of the American Indian
- Ahniwake Rose, National Indian Education Association
- Stacey Bohlen, National Indian Health Board
- Dante Desiderio, Native American Finance Officers Association
- Sarah Deer, William Mitchell College of Law

Questions from Commissioners

C. Panel 2: Federal Government Officials: 10:35 a.m.–12:00 p.m.

Speakers' Remarks

- William Mendoza, White House Initiative on American Indian and Alaska Native Education
- Tracy Toulou, U.S. Department of Justice, Office of Tribal Justice
- Robert McSwain, Indian Health Service
- Randy Akers, U.S. Department of Housing and Urban Development, Office of Native Programs

Questions from Commissioners
III. Business Meeting
A. Program Planning
- Discussion and vote on the part B proposed findings and recommendations for the Peaceful Coexistence Report
- Discussion of plan for revision of report on the effect of undocumented workers on African-American employment

B. Advisory Committees
- Vote on appointments to the Ohio Advisory Committee
- Presentation by Mississippi Advisory Committee Chair on child care subsidies report

C. Management and Operations
- Staff Director's Report
- Submission of Spending Plan to Congressional appropriation committees
- Submission of FY2017 Budget justification transmitted to Congress as part of President's Budget Request

D. Other
V. Adjourn Meeting

Dated: February 9, 2016.

David Mussatt,

Regional Programs Unit Chief, U.S. Commission on Civil Rights.

[FR Doc. 2016–02992 Filed 2–10–16; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–5–2016]

Foreign-Trade Zone (FTZ) 279—Terrebonne Parish, Louisiana; Notification of Proposed Production Activity; Thoma-Sea Marine Constructors, L.L.C. (Shipbuilding); Houma, Louisiana

The Houma-Terrebonne Airport Commission, grantee of FTZ 279, submitted a notification of proposed production activity to the FTZ Board on behalf of Thoma-Sea Marine Constructors, L.L.C. (Thoma-Sea), located in Houma, Louisiana. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 3, 2016.

A separate request for subzone designation at the Thoma-Sea facilities is planned and will be processed under Section 400.31 of the FTZ Board's regulations. The facilities are used for the construction and repair of oceangoing vessels. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Thoma-Sea from customs duty payments on the foreign status components used in export production. On its domestic sales, Thoma-Sea would be able to choose the duty rate during customs entry procedures that applies to oceangoing vessels (free) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: plastic hoses; printed manuals; steel pipe fittings; doors; steel tanks; hatches/manholes; copper anodes; zinc rods; base metal mountings; outboard motors; parts of marine engines; parts of hydraulic pumps; hydraulic fluid pumps; compressors; portal/pedestal jib cranes; thruster parts; pressure-reducing valves; steel tank valves; vent check valves; machine parts of automated systems; electric motors; AC generators; speed drive controllers; power supplies; batteries; power cells; starter generators/motors; electric ignition starter parts; fuses; circuit boards; parts of electrical switching apparatus; insulated winding wire; liquid flow/level measuring instruments; parts of printed circuit assemblies; and, parts of measuring instruments (duty rate ranges from free to 5.7%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is March 23, 2016.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: February, 2, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–02993 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–853]

Citric Acid and Certain Citrate Salts From Canada: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on citric acid and certain citrate salts (citric acid) from Canada. The period of review (POR) is May 1, 2014, through April 30, 2015. The review covers one producer/exporter of the subject merchandise, Jungbunzlauer Canada Inc. (JBL Canada). We preliminarily determine that sales of subject merchandise by JBL Canada were not made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Katherine Johnson, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4007 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by this order is citric acid and certain citrate salts from Canada. The product is currently classified under subheadings 2918.14.0000, 2918.15.1000, 2918.15.5000, and 3824.90.9290 of the Harmonized Tariff System of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive.[1]

[1] A full description of the scope of the order is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Canada; 2014–2015'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[2] ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review [3]

As a result of this review, the Department preliminarily determines that a weighted-average dumping margin of 0.00 percent exists for JBL Canada for the period May 1, 2014, through April 30, 2015.

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[4] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[5] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues parties intend to be discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. *See* 19 CFR 351.310(d). Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[6]

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[7]

We calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or the importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[8]

We intend to issue instructions to CBP 41 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for JBL Canada will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.21 percent, the all-others rate established in the less-than-fair-value investigation.[9] These requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with

[2] On November 14, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (IA ACCESS) to AD and CVD Centralized Electronic Service System (ACCESS). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[3] As explained in the memorandum from the Acting Assistant Secretary for Enforcement & Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding ''Tolling of Administrative Deadlines as a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary determination of this administrative review is now February 5, 2016.

[4] *See* 19 CFR 351.309(c).

[5] *See* 19 CFR 351.309(d).

[6] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[7] *See* 19 CFR 351.212(b)(1).

[8] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012); *see also* 19 CFR 351.106(c)(2).

[9] *See Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders,* 74 FR 25703 (May 29, 2009).

this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: February 5, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
A. Fair Value Comparisons
1. Determination of Comparison Method
2. Results of the Differential Pricing Analysis
B. Product Comparisons
C. Constructed Export Price
D. Normal Value
1. Home Market Viability and Selection of Comparison Market
2. Level of Trade (LOT)
E. Cost of Production (COP) Analysis
1. Calculation of COP
2. Test of Comparison Market Sales Prices
3. Results of the COP Test
F. Calculation of NV Based on Comparison Market Prices
G. Currency Conversion
V. Recommendation

[FR Doc. 2016–02996 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–837, A–570–954, C–570–955]

Certain Magnesia Carbon Bricks From Mexico and the People's Republic of China: Continuation of Antidumping Duty Orders and Countervailing Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (''the Department'') and the International Trade Commission (''ITC'') that revocation of the antidumping duty (''AD'') orders on certain magnesia carbon bricks (''MCBs'') from Mexico and the People's Republic of China (''PRC'') and the countervailing duty (''CVD'') order on MCBs from the PRC would likely lead to a continuation or recurrence of dumping and countervailable subsidies and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty orders and the countervailing duty order.

DATES: *Effective Date:* February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Kenneth Hawkins, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6491.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2015 the Department published a notice of initiation of the first sunset review of the AD orders on MCBs from Mexico and the PRC, and the CVD order on MCBs from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[1] As a result of its review, the Department determined that revocation of the AD orders would likely lead to a continuation or recurrence of dumping and that revocation of the CVD order would likely lead to continuation or recurrence of countervailable subsidies. The Department, therefore, notified the ITC of the magnitude of the margins and net countervailable subsidy rates likely to prevail should the antidumping orders and the countervailing duty order be revoked.[2] On February 2, 2016, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the AD and CVD orders on MCBs from Mexico and the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Orders

Imports covered by the orders consist of certain chemically bonded (resin or pitch), MCBs with a magnesia component of at least 70 percent magnesia (''MgO'') by weight, regardless of the source of raw materials for the MgO, with carbon levels ranging from trace amounts to 30 percent by weight, regardless of enhancements, (for example, MCBs can be enhanced with coating, grinding, tar impregnation or coking, high temperature heat treatments, anti-slip treatments or metal casing) and regardless of whether or not anti-oxidants are present (for example, antioxidants can be added to the mix from trace amounts to 15 percent by weight as various metals, metal alloys, and metal carbides).

Certain MCBs that are the subject of this investigation are currently classifiable under subheadings 6902.10.1000, 6902.10.5000, 6815.91.0000, 6815.99.2000, and 6815.99.4000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). While HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the AD and CVD orders would likely lead to a continuation or recurrence of dumping and countervailable subsidies and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the AD orders on MCBs from Mexico and the PRC and the CVD order on MCBs from the PRC. U.S. Customs and Border Protection will continue to collect AD and CVD duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (''sunset'') review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4)

Dated: February 5, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–02994 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 80 FR 45945 (August 3, 2015) (''*Initiation*'').

[2] *See Certain Magnesia Carbon Bricks from Mexico and the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Orders,* 80 FR 76447 (December 9, 2015) and accompanying Issues and Decision Memorandum; *see also Certain Magnesia Carbon Bricks from the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order,* 80 FR 75971 (December 7, 2015).

[3] *See Certain Magnesia Carbon Bricks from the People's Republic of China: Determination,* 81 FR 5484 (February 2, 2016); *see also Certain Magnesia Carbon Bricks from the People's Republic of China: Investigation No. 701–TA–468 and 731–TA–1166–1167,* USITC Publication 4589 (January, 2016).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–815]

Light-Walled Rectangular Pipe and Tube From Turkey; Preliminary Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) preliminarily finds that Agir Haddecilik A.S. (Haddecilik) did not make sales at prices below normal value (NV) during the period of review (POR). The POR is May 1, 2014, through April 30, 2015. We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6312 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 millimeters. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States at subheadings 7306.61.50.00 and 7306.61.70.60.

For a full description of the scope of the order, see the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, entitled ''Light-Walled Rectangular Pipe and Tube From Turkey: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2014–2015'' (Preliminary Decision Memorandum), which is dated concurrently with this notice and is hereby incorporated by reference.[1] The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Tolling and Postponement of Deadline for Preliminary Results

As explained in the memorandum from the Acting Assistant Secretary for Enforcement & Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary results of this review is now February 5, 2016.[2]

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price (EP) is calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period May 1, 2014, through April 30, 2015:

Exporter or producer	Weighted-average dumping margin (percent)
Agir Haddecilik A.S	0.00

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[3] Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[5] Case and rebuttal briefs should be filed using ACCESS.[6]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[7] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the date and time of the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in all written case briefs, within 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[8] If Haddecilik's weighted-average dumping margin is not zero or *de minimis* in the final results of this

[1] A list of the topics discussed in the Preliminary Decision Memorandum appears in the Appendix to this notice.

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

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.309(c)(2) and (d)(2).

[6] *See* 19 CFR 351.303.

[7] *See* 19 CFR 351.310(c).

[8] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If Haddecilik's weighted-average dumping margin is zero or *de minimis* in the final results of review, or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For entries of subject merchandise during the POR produced by the respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction.[9]

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of light-walled rectangular pipe and tube from Turkey entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Haddecilik will be the weighted-average dumping margin established in the final results of this administrative review except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.04 percent *ad valorem,* the all-others rate established in the less-than-fair-value investigation.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: February 5, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

Summary
Background
Scope of the Order
Methodology
  Fair Value Comparisons
  Product Comparisons
  Determination of Comparison Method
  Date of Sale
  U.S. Price
  Duty Drawback
  Normal Value
  Currency Conversion
Conclusion

[FR Doc. 2016–02995 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–983]

Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Drawn Stainless Steel Sinks From the People's Republic of China

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

SUMMARY: The Department of Commerce (the Department) is initiating a changed circumstances review (CCR) of the antidumping duty (AD) order on drawn stainless steel sinks from the People's Republic of China (PRC) with regard to Ningbo Afa Kitchen and Bath Co., Ltd. (Ningbo). We preliminarily determine that Ningbo is the successor-in-interest to Yuyao Afa Kitchenware Co., Ltd. (Yuyao) for purposes of determining AD liability. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Ross Belliveau or Brian Smith, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4952 or (202) 482–1766.

SUPPLEMENTARY INFORMATION:

Background

On April 11, 2013, the Department published in the **Federal Register** an AD order on drawn stainless steel sinks from the PRC.[1] On November 19, 2015, Ningbo, a producer/exporter of drawn stainless steel sinks covered by this order, changed its name from Yuyao to Ningbo. On December 22, 2015, Ningbo requested that the Department conduct a changed circumstances review under section 19 U.S.C. 1675(b) and 19 CFR 351.216.[2] In this request, Ningbo asked the Department to determine that it is the successor-in-interest to Yuyao and, accordingly, to assign it the cash deposit rate of Yuyao.[3]

Scope of the Order

The products covered by the scope of this order are drawn stainless steel sinks with single or multiple drawn bowls, with or without drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of stainless steel. Mounting clips, fasteners, seals, and sound-deadening pads are also covered by the scope of this order if they are included within the sales price of the drawn stainless steel sinks. For purposes of this scope definition, the term ''drawn'' refers to a manufacturing process using metal forming technology to produce a smooth basin with seamless, smooth, and rounded corners. Drawn stainless steel sinks are available in various shapes and configurations and may be

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[9] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[10] *See Notice of Antidumping Duty Order: Light-Walled Rectangular Pipe and Tube From Turkey,* 73 FR 31065 (May 30, 2008).

[1] *See Drawn Stainless Steel Sinks from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 21592 (April 11, 2013).

[2] *See* Letter from Ningbo, entitled ''Drawn Stainless Steel Sinks from the People's Republic of China: Request for Changed Circumstances Review by Yuyao Afa Kitchenware Co., Ltd. and Ningbo Afa Kitchen and Bath Co., Ltd.,'' dated December 22, 2015 (Ningbo CCR Request).

[3] *Id.*

described in a number of ways including flush mount, top mount, or undermount (to include the attachment relative to the countertop). Stainless steel sinks with multiple drawn bowls that are joined through a welding operation to form one unit are covered by the scope of the order. Drawn stainless steel sinks are covered by the scope of the order whether or not they are sold in conjunction with non-subject accessories such as faucets (whether attached or unattached), strainers, strainer sets, rinsing baskets, bottom grids, or other accessories.

Excluded from the scope of the order are stainless steel sinks with fabricated bowls. Fabricated bowls do not have seamless corners, but rather are made by notching and bending the stainless steel, and then welding and finishing the vertical corners to form the bowls. Stainless steel sinks with fabricated bowls may sometimes be referred to as ''zero radius'' or ''near zero radius'' sinks.

The products covered by this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under statistical reporting number 7324.10.0000 and 7324.10.0010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Initiation and Preliminary Results of Changed Circumstances Review

Pursuant to section 751(b)(1)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(d), the Department will conduct a CCR upon receipt of a request from an interested party for a review of an AD order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Ningbo supporting its claim that it is the successor-in-interest to Yuyao demonstrates changed circumstances sufficient to warrant such a review.[4]

In accordance with the above-referenced regulation, the Department is initiating a CCR to determine whether Ningbo is the successor-in-interest to Yuyao. When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results for a CCR concurrently.[5] We determined that expediting this CCR is warranted because we have the information necessary to make a preliminary finding already on the record, in accordance with our practice.[6]

In determining whether one company is the successor-in-interest to another, the Department examines a number of factors including, but not limited to, changes in management, production facilities, supplier relationships, and customer base.[7] While no single factor or combination of these factors will necessarily provide a dispositive indication of a successor-in-interest relationship, the Department will generally consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.[8] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.[9]

In its December 22, 2015 submission, Ningbo provided information to demonstrate that it is the successor-in-interest to Yuyao. Ningbo states that the company's ownership, location/production facilities, management, and customer base have not changed as a result of the corporate name change. It states further that its suppliers have remained largely the same, with some suppliers added but none eliminated. To support its claims, Ningbo submitted the following documents: (1) A copy of Ningbo's old and new business licenses, issued on June 2, 2015, and November 19, 2015, respectively;[10] (2) a copy of the government certification and approval of the company's name change from Yuyao to Ningbo;[11] (3) an excerpt from Yuyao's June 25, 2015, separate rate application documenting the ownership of the company;[12] (4) an excerpt from Yuyao's June 25, 2015, separate rate application listing the company's management team;[13] (5) a listing of the company's suppliers before and after its name change.[14] Ningbo also submitted information pertaining to its location/production facilities and U.S. customer base.[15]

Based on the evidence on the record, we preliminarily find that Ningbo is the successor-in-interest to Yuyao. We find that Ningbo operates as the same business entity as Yuyao and that its ownership, management, production facilities, supplier relationships, and customers have not changed as a result of its name change. Thus, we preliminarily find that Ningbo should receive the same antidumping duty cash deposit rate with respect to the subject merchandise as Yuyao, its predecessor company.[16]

Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to suspend entries of subject merchandise exported by Ningbo at Yuyao's cash deposit rate, effective on the publication date of our final results.

Public Comment

Interested parties may submit case briefs and/or written comments not later than 14 days after the publication of this notice.[17] Rebuttal briefs, which must be limited to issues raised in case briefs, may be filed not later than five days after the deadline for filing case briefs.[18] Parties who submit case briefs or rebuttal briefs in this changed

[4] *See* 19 CFR 351.216(d).

[5] *See* 19 CFR 351.221(c)(3)(ii); *see also Certain Pasta From Italy: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 80 FR 33480, 33480–41 (June 12, 2015) (*Pasta From Italy Preliminary Results*) (unchanged in *Certain Pasta From Italy: Final Results of Changed Circumstances Review,* 80 FR 48807 (August 14, 2015) (*Pasta From Italy Final Results*)).

[6] *See, e.g., Pasta From Italy Preliminary Results,* 80 FR at 33480–41 (unchanged in *Pasta From Italy Final Results,* 80 FR at 48807).

[7] *See, e.g., Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand,* 75 FR 61702, 61703 (October 6, 2010) (*Shrimp From Thailand Preliminary Results*) (unchanged in *Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand,* 75 FR 74684 (December 1, 2010) (*Shrimp From Thailand Final Results*)); and *Industrial Phosphoric Acid From Israel: Final Results of Antidumping Duty Changed Circumstances Review,* 59 FR 6944, 6946 (February 14, 1994).

[8] *See, e.g., Shrimp From Thailand Preliminary Results,* 75 FR at 61703 (unchanged in *Shrimp From Thailand Final Results,* 75 FR at 74684).

[9] *Id.; see also Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan,* 67 FR 58, 59 (January 2, 2002); and *Ball Bearings and Parts Thereof from France: Final Results of Changed-Circumstances Review,* 75 FR 34688, 34689 (June 18, 2010).

[10] *See* Ningbo CCR Request at Exhibit 1.

[11] *Id.* at Exhibit 2.

[12] *Id.* at Exhibit 3.

[13] *Id.* at Exhibit 4.

[14] *Id.* at Exhibit 5.

[15] *Id.* at 3–4.

[16] Yuyao received a 4.29 percent dumping margin in the 2012–2014 administrative review of the AD order on drawn stainless steel sinks from the PRC. *See Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2012–2014,* 80 FR 69644, 69645 (November 10, 2015). We note that Yuyao is also a respondent in the current 2014–2015 administrative review of this antidumping duty order. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 30041, 30046 (May 26, 2015). At the conclusion of this CCR, if we determine that Ningbo is the successor-in-interest to Yuyao, we will assign Ningbo an updated cash deposit rate based on the final results of the ongoing review.

[17] *See* 19 CFR 351.309(c)(ii).

[18] *See* 19 CFR 351.309(d).

circumstances review are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Interested parties who wish to comment on the preliminary results must file briefs electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time on the date the document is due.

Interested parties that wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 14 days of publication of this notice.[19] Parties will be notified of the time and date of any hearing, if requested.[20]

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this changed circumstance review no later than 270 days after the date on which this review was initiated, or within 45 days of publication of these preliminary results if all parties agree to our preliminary finding.

We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216 and 351.221(c)(3)(ii).

Dated: February 5, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–02997 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–DS–P

[19] *See* 19 CFR 351.310(c); *see also* 19 CFR 351.303 for general filing requirements.

[20] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number 151103999–6076–02]

Views on the Framework for Improving Critical Infrastructure Cybersecurity

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice; extension of comment period.

SUMMARY: The National Institute of Standards and Technology (NIST) is extending the period for submitting comments relating to the ''Framework for Improving Critical Infrastructure Cybersecurity'' (the ''Framework'') through February 23, 2016. In a Request for Information (RFI) that published in the **Federal Register** on December 11, 2015 (80 FR 76934), NIST requested information about the variety of ways in which the Framework is being used to improve cybersecurity risk management, how best practices for using the Framework are being shared, the relative value of different parts of the Framework, the possible need for an update of the Framework, and options for the long-term governance of the Framework. NIST is extending the comment period announced in the December 11, 2015 RFI from February 9, 2016 to February 23, 2016.

DATES: Comments must be received by 5:00 p.m. Eastern time on February 23, 2016. Comments received after February 9, 2016 and before publication of this notice are deemed to be timely.

ADDRESSES: Written comments may be submitted by mail to Diane Honeycutt, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899. Online submissions in electronic form may be sent to *cyberframework@nist.gov* in any of the following formats: HTML; ASCII; Word; RTF; or PDF. Please include your name and your organization's name (if any), and cite ''Views on the Framework for Improving Critical Infrastructure Cybersecurity'' in all correspondence. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Please do not submit additional materials.

All comments received in response to this RFI will be posted at *http://www.nist.gov/cyberframework/cybersecurity-framework-rfi.cfm* without change or redaction, so commenters should not include information they do not wish to be posted (*e.g.,* personal or confidential business information).

FOR FURTHER INFORMATION CONTACT: For questions about this RFI contact: Diane Honeycutt, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899 or *cyberframework@nist.gov.* Please direct media inquiries to NIST's Office of Public Affairs at (301) 975–2762.

SUPPLEMENTARY INFORMATION: NIST is extending the comment period announced in the December 11, 2015 Request for Information (RFI) (80 FR 76934) through February 23, 2016. NIST is authorized by the Cybersecurity Enhancement Act of 2014 [1] to ''facilitate and support the development of a voluntary, consensus-based, industry-led set of standards, guidelines, best practices, methodologies, procedures, and processes to cost-effectively reduce cyber risks to critical infrastructure.'' [2] Executive Order 13636, ''Improving Critical Infrastructure Cybersecurity'' [3] tasked the Secretary of Commerce to direct the Director of NIST to lead the development of a framework to reduce cyber risks to critical infrastructure. A final version of Framework 1.0 was published on February 12, 2014, after a year-long, open process involving private and public sector organizations, including extensive industry input and public comments, and announced in the **Federal Register** (79 FR 9167) on February 18, 2014. On December 11, 2015 NIST published a RFI in the **Federal Register** (80 FR 76934) seeking information about the variety of ways in which the Framework is being used to improve cybersecurity risk management, how best practices for using the Framework are being shared, the relative value of different parts of the Framework, the possible need for an update of the Framework, and options for the long-term governance of the Framework. NIST is extending the comment period announced in the December 11, 2015 RFI from February 9, 2016 to February 23, 2016 to allow comments to be submitted during a timeframe in which a variety of cybersecurity events are scheduled to occur.

Kevin Kimball,

Chief of Staff.

[FR Doc. 2016–02860 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–13–P

[1] Public Law 113–274 (2014): *http://www.gpo.gov/fdsys/pkg/PLAW-113publ274/pdf/PLAW-113publ274.pdf*

[2] *Id.,* codified in relevant part at 15 U.S.C. 272(c)(15). Congress's intent was to codify NIST's role in Executive Order No. 13636: ''Title I would codify certain elements of Executive Order 13636 by directing the National Institute of Standards and Technology (NIST) to develop a framework of voluntary standards designed to reduce risks arising from cyberattacks on critical infrastructure that is privately owned and operated.'' S. Rep. No. 113–270, at 9 (2014).

[3] Exec. Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 FR 11739 (Feb. 19, 2013).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Socioeconomics of Ocean Guardian Schools—An Office of the National Marine Sanctuaries Educational Program.

OMB Control Number: 0648-xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 2,583.

Average Hours Per Response: 20 minutes.

Burden Hours: 861.

Needs and Uses: This request is for a new information collection to provide benefit throughout the sanctuary system and specifically our sites that work with Ocean Guardian Schools. The National Ocean Service (NOS) proposes to collect information from parents and teachers about the attitudes and preferences and economic value they receive from being involved with an Ocean Guardian school.

Up-to-date socioeconomic data is needed to support the further development and improvement of Ocean Guardian Schools. These schools receive funding from the NOAA Office of Education and the Office of National Marine Sanctuaries. Schools may apply for funding up to five years. A number of schools have continued their Ocean Guardian School projects after the five years. From 2010–2015, the total funding received by 71 schools was $544,315.

Although the costs and sources of funding are known, there is limited information known about the economic value participants place on this program and the economic value created by these schools and their many activities. Currently, there is no information available that provides estimates of the value of education programs like Ocean Guardian to parents and teachers. Ocean Guardian Schools receive funding to develop projects to help protect the ocean in the future and promote ocean conservation and stewardship. Projects include recycling, beach clean-up days, installing rain barrels, installing wildlife structures, composting, and energy reduction.

The types of data targeted for this collection are: attitudes and preferences towards the projects and student involvement, importance of/satisfaction with the program and attributes of the program, extent of reach (are parents aware of their student's involvement and are they too learning about ocean stewardship), level of teacher, student, parent and administrative involvement, and teachers' and parents' willingness to pay. The primary focus for the survey will be to gather data on parents' and teachers' willingness to pay for this program. Specifically, researchers will collect data to determine the economic value teachers, administrators and parents place on this program. The information collected will help to inform Ocean Guardian Schools about areas for improvement and the value that their programs create for the community.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: February 9, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–02904 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE439

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold two webinars that are open to the public.

DATES: The GMT webinars will be held on Tuesday, March 1, 2016, from 8:30 a.m. until 12 p.m. and on Monday, April 4, 2016, from 1:30 p.m. to 5 p.m.

ADDRESSES: To attend the webinars: (1) Join the meetings by visiting this link *http://www.gotomeeting.com/online/webinar/join-webinar;* (2) enter the Webinar ID: 137–048–875, and (3) enter your name and email address (required). After logging in to the webinars, please (1) dial this TOLL number *+1 (415) 930–5321* (not a toll-free number); (2) enter the attendee phone audio access code 748–538–268; and (3) then enter your audio phone pin (shown after joining the webinar). The same log information will be used for both webinars. Participants are encouraged to use their telephone, as this is the best practice to avoid technical issues and excessive feedback (see *http://www.pcouncil.org/wp-content/uploads/PFMC_Audio_Diagram_GoToMeeting.pdf PFMC GoToMeeting Audio Diagram for best practices*). Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see the GoToMeeting WebinarApps). You may send an email to *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 425 for technical assistance. A public listening station will also be available at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Ames, Pacific Council, (503) 820–2426.

SUPPLEMENTARY INFORMATION: The purpose of the GMT webinars are to prepare for the March and April 2016 Pacific Council meetings. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. Public comment will be accommodated if time allows, at the discretion of the GMT Chair. The GMT's task will be to develop recommendations for consideration by the Pacific Council at its March 8–14, 2016 meeting in Sacramento, CA and its April 8–14, 2016 meeting in Vancouver, WA.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section

305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: February 9, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–02933 Filed 2–11–16; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the procurement list.

SUMMARY: This action adds products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 3/13/2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On May 8, 2015 (80 FR 26548–26549) and November 16, 2015 (80 FR 70761–70762), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

Product Name(s)—NSN(s): Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015

8415–01–623–5052—XS–XXS
8415–01–623–5162—XS–XS
8415–01–623–5165—XS–S
8415–01–623–5166—XS–R
8415–01–623–5169—XS–L
8415–01–623–5170—XS–XL
8415–01–623–5172—S–XXS
8415–01–623–5174—S–XS
8415–01–623–5178—S–S
8415–01–623–5180—S–R
8415–01–623–5182—S–L
8415–01–623–5236—S–XL
8415–01–623–5237—M–XXS
8415–01–623–5525—M–XS
8415–01–623–5526—M–S
8415–01–623–5528—M–R
8415–01–623–5529—M–L
8415–01–623–5534—M–XL
8415–01–623–5537—M–XXL
8415–01–623–5541—L–XXS
8415–01–623–5542—L–XS
8415–01–623–5543—L–S
8415–01–623–5552—L–R
8415–01–623–5553—L–L
8415–01–623–5554—L–XL
8415–01–623–5557—L–XXL
8415–01–623–5740—XL–XXS
8415–01–623–5742—XL–XS
8415–01–623–5789—XL–S
8415–01–623–5790—XL–R
8415–01–623–5793—XL–L
8415–01–623–5795—XL–XL
8415–01–623–5796—XL–XXL
8415–01–623–5797—XXL–R
8415–01–623–5801—XXL–L
8415–01–623–5803—XXL–XL
8415–01–623–5805—XXL–XXL

Mandatory Source(s) of Supply: Industries of the Blind, Inc., Greensboro, NC, Mississippi Industries for the Blind, Jackson, MS, San Antonio Lighthouse for the Blind, San Antonio, TX

Mandatory Purchase For: US Army; surge requirements as determined by DLA Troop Support that are above and beyond those quantities of ACU Coats allocated to small business, large business, and/or other purchase priority programs

Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA

Distribution: C-List

The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) operates pursuant to statutory and regulatory requirements. Committee regulations state for a commodity or service to be suitable for addition to the Procurement List, each of the following criteria must be satisfied: The addition to the Procurement List must demonstrate a potential to generate employment of people who are blind or have other severe disabilities; the nonprofit agency proposing to provide the product or service to the Federal Government must be qualified to participate in the AbilityOne program as defined in separate Committee regulations; the nonprofit agency must prove itself capable to deliver the product or service at the quality standard and delivery schedule required by the Government; and the Committee reviews the level of impact on the current contractor for the commodity or service.

Federal Prison Industries (FPI) submitted a comment objecting to the proposed addition of the U.S. Army Combat Uniform Coat to the Procurement List. FPI asserts in its comments that, for items already listed on FPI's Schedule of Products like the proposed U.S. Army Combat Uniform Coat, a designated central nonprofit agency of the AbilityOne program must seek a waiver of FPI's purchase priority before requesting to add the same product to the Committee's Procurement List pursuant to 41 CFR 51–3.3. Normally, FPI products have a purchase priority over AbilityOne products, as stated in FAR subparts 8.002, 8.603 and 8.704.

However, 10 U.S.C. 2410n and DFARS subpart 208.602–70 provide that, if FPI's share for the particular product is greater than five percent of the Department of Defense (DOD) market, then DOD must use competitive and fair opportunity procedures in order to purchase additional quantities from FPI, permitting FPI to participate in such competitive process which establishes that FPI no longer has a

mandatory priority. The plain reading of both the statute and FAR provision is that FPI temporarily loses its mandatory purchase priority in DOD procurements when FPI provides more than five percent of the particular product market share to the DOD. In February 2015, DOD published its annual memorandum reporting that FPI's share of the DOD market for special purpose clothing, like the U.S. Army Combat Uniform Coat, is greater than five percent and must be competed in accordance with section 2410n and subpart 208.602–70. Because FPI does not have a purchase priority for the U.S. Army Combat Uniform Coat, then a designated AbilityOne Program central nonprofit agency is not required to obtain a decision from FPI as to whether it will exercise or waive its purchase priority before requesting to add a product to the Committee's Procurement List. Also, regardless of whether or not FPI has a particular product purchase priority, no statute or regulation prevents the simultaneous listing of the identical product on the Committee's Procurement List.

In fact, the FAR subparts 8.603 and 8.704 contemplate a purchasing priority ''when identical supplies or services are on the Procurement List and the Schedule of Products issued by the Federal Prison Industries, Inc.'' For this particular product, FPI has lost its priority by operation of law, but the AbilityOne priority remains effective.

Section 827 of National Defense Authorization Act for Fiscal Year 2008 (NDAA for FY2008, now 10 U.S.C. 2410n) and supplemental Defense Federal Acquisition Regulation 208.602–70 do not apply to the Javits-Wagner-O'Day (JWOD) Act purchase priority established in 41 U.S.C. 8504 and implemented in FAR subpart 8.7. As preset forth at 10 U.S.C. 2410n, if FPI provides a significant market share of a particular product to DOD, then, by statute, DOD procurement activities may purchase a product listed in the latest edition of the Federal Prison Industries catalog for which Federal Prison Industries has a significant market share [defined as greater than 5%] *only if* the Secretary uses competitive procedures for the procurement or the product or makes an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

See 10 U.S.C. 2410n (emphasis added). That language does not direct or permit the Secretary—either expressly or implicitly—to bypass the purchase priorities stated in the FAR subparts setting forth those purchase priorities. Thus, the language in section 2410n permits DOD *to purchase products from FPI only when the Secretary conducts a competitive procurement.*

In addition, the basis for both competitive and fair opportunity procurement procedures is the Competition in Contract Act (CICA) (10 U.S.C. 2304 or 41 U.S.C. 3304) and FAR Subpart 6. Both 10 U.S.C. 2304(c)(5) and FAR Subpart 6.302–5, the implementing regulation, provide that an Agency is not required to follow CICA when expressly required by another statute to use different procurement procedures. The JWOD purchase priority, set forth at 41 U.S.C. 8504, is listed in FAR Subpart 6.302–5 as an express exception to CICA and full and open competition. While FPI is precluded by law from exercising its purchase priority for DOD procurements when it already provides greater than 5% of the market share for a particular product, competition in accordance with the Competition in Contracting Act does not apply because the JWOD purchase priority is applicable. The JWOD Act states:

§ 8504. Procurement Requirements for the Federal Government

(a) In General.—An entity of the Federal Government intending to procure a product or service on the procurement list referred to in section 8503 of this title shall procure the product or service from a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely disabled in accordance with regulations of the Committee and at the price the Committee establishes if the product or service is available within the period required by the entity.

(b) *Exception.—This section does not apply to the procurement of a product that is available from an industry established under chapter 307 of title 18 and that is required under section 4124 of title 18 to be procured from that industry.*

Pursuant to section 8504, an exception to the JWOD priority exists for procurement of a ''product that is available'' from FPI. When an FPI product reaches the market share of sales specified in section 2410n the product is no longer available from FPI on a priority basis pursuant to 18 U.S.C. 4124.

Therefore, if the same product is listed on the Procurement List, then Federal agencies must purchase from the designated nonprofit agencies (assuming nonprofits are able to deliver the substantially same product in the delivery window required), and cannot elect to pursue the competitive process outlined in section 2410n while ignoring the priorities set forth in the JWOD Act 41 U.S.C. 8504, and FAR subparts 8.002, 8.603 and 8.704.

Service

Service Type: Furniture Design and Configuration Service
Service Is Mandatory For: New Hampshire National Guard, Newington, NH
Mandatory Source of Supply: Industries for the Blind Inc., West Allis, WI
Contracting Activity: United States Property and Fiscal Office (USPFO), New Hampshire National Guard, Pease ANGB, NH

Deletions

On January 8, 2016 (81 FR 916–917), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
7510–01–600–8033—Dated 2015 18-month Paper Wall Planner, 24″ x 37″
7510–01–600–8044—Dated 2015 12-Month 2-Sided Laminated Wall Planner, 24″ x 37″
Mandatory Source(s) of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: General Services Administration, FSS Household and Industrial Furniture, Arlington, VA

NSN(s)—Product Name(s):
7510–01–600–7560—Monthly Wall Calendar, Dated 2015, Jan–Dec, 8½″ x 11″

7530–01–600–7569—Daily Desk Planner, Dated 2015, Wire bound, Non-refillable, Black Cover
7510–01–600–7574—Wall Calendar, Dated 2015, Wire Bound w/Hanger, 12″ x 17″
7530–01–600–7603—Monthly Desk Planner, Dated 2015, Wire Bound, Non-refillable, Black Cover
7530–01–600–7613—Weekly Desk Planner, Dated 2015, Wire Bound, Non-refillable, Black Cover
7530–01–600–7628—Weekly Planner Book, Dated 2015, 5″ x 8″
7510–01–600–7631—Wall Calendar, Dated 2015, Wire Bound w/hanger, 15.5″ x 22″

Mandatory Source(s) of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s): 4240–00–803–5839—Bag, Waterproof

Mandatory Source(s) of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: W40M Northern Region Contract Office, Fort Belvoir, VA

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2016–02940 Filed 2–11–16; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the procurement list.

SUMMARY: This action adds a service to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 2/29/2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On December 18, 2015 (80 FR 79031–79032), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to furnish the service and impact of the additions on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the service to the Government.

2. The action will result in authorizing small entities to provide the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type: Help Desk Support Service

Service is Mandatory For: U.S. Army, Army Training Support Center, Combined Arms Center for Training, 3306 Wilson Avenue, Joint Base Langley-Eustis, VA

Mandatory Source(s) of Supply: ServiceSource, Inc., Alexandria, VA, Orion Career Works, Auburn, WA

Contracting Activity: Dept of the Army, W6QM MICC–FDO Ft Eustis, Fort Eustis, VA

Additional Information

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. 5 U.S.C. 553(d). This addition to the Committee's Procurement List is a reaction to the expiration of the U.S. Army help desk support services contract. The Federal customer contacted, and has worked with the AbilityOne Program since April 2015 to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Army will have no viable alternative but to procure this service, this addition must be effective on February 29, 2016, ensuring timely execution for a March 1, 2016, start date while still allowing 18 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee has been in contact with one of the affected parties, the incumbent of the expiring contract, since May 2015 and determined that no severe adverse impact exists. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on December 18, 2015, and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but rather will create new jobs for other affected parties—people with severe disabilities in the AbilityOne program who otherwise face challenges locating employment and will enable Federal customer operations to continue without interruption.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2016–02941 Filed 2–11–16; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Proposed Additions And Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a product previously furnished by such agency.

DATES: *Comments Must Be Received On Or Before:* 3/13/2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

For Further Information or To Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit

agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s): MR 874—Potato Masher; MR 867—Cup, Measuring, Angled
Mandatory Source(s) of Supply: Cincinnati Association for the Blind, Cincinnati, OH
Mandatory Purchase For: Military commissaries and exchanges in accordance with the Code of Federal Regulations, Chapter 51, 51–6.4.
Contracting Activity: Defense Commissary Agency
Distribution: C-List

NSN(s)—Product Name(s): 4330–01–398–8484—Filter Element, Fluid
Mandatory Source(s) of Supply: Crossroads Rehabilitation Center, Inc., Indianapolis, IN
Mandatory Purchase For: 100% of the requirement of the Department of Defense
Contracting Activity: Defense Logistics Agency Land and Maritime
Distribution: C-List

NSN(s)—Product Name(s):
6650–00–NIB–0009—Complete Eyeglass CR–39 Single Vision, plastic, clr
6650–00–NIB–0010—Complete Eyeglass CR–39 Flat Top 28 Bifocal, clr
6650–00–NIB–0011—Complete Eyeglass CR–39 Flat Top 35 Bifocal, clr
6650–00–NIB–0012—Complete Eyeglass CR–39 Round 25 & 28, clr
6650–00–NIB–0013—Complete Eyeglass CR–39 Flat Top 7 x 28, clr
6650–00–NIB–0014—Complete Eyeglass CR–39 Flat Top 8 x 35, clr
6650–00–NIB–0015—Complete Eyeglass CR–39 Progressives, clr
6650–00–NIB–0016—Complete Eyeglass CR–39 SV Aspheric Lentic.
6650–00–NIB–0017—Complete Eyeglass CR–39 Flat Top-Round Asph Len
6650–00–NIB–0018—Complete Eyeglass CR–39 Exec. Bifocal, clr
6650–00–NIB–0019—Complete Eyeglass Glass Single Vision, clr
6650–00–NIB–0020—Complete Eyeglass Glass Flat Top 28 Bifocal, clr
6650–00–NIB–0021—Complete Eyeglass Glass Flat Top 35 Bifocal, clr
6650–00–NIB–0022—Complete Eyeglass Glass Flat Top 7 x 28, trifoc, clr
6650–00–NIB–0023—Complete Eyeglass Glass Flat Top 8 x 35, trifoc, clr
6650–00–NIB–0024—Complete Eyeglass Glass Progressives, clr
6650–00–NIB–0025—Complete Eyeglass Glass Executive Bifocal, clr
6650–00–NIB–0026—Complete Eyeglass Polycarb SV = Single Vision, clr
6650–00–NIB–0027—Complete Eyeglass Polycarb Flat Top 28, clr
6650–00–NIB–0028—Complete Eyeglass Polycarb Flat Top 35, clr
6650–00–NIB–0029—Complete Eyeglass Polycarb Flat Top 7 x 28, clr
6650–00–NIB–0030—Complete Eyeglass Polycarb Flat Top 8 x 35, clr
6650–00–NIB–0031—Complete Eyeglass Polycarb Progressives, clr
6650–00–NIB–0032—Lenses Only, 1 pair CR–39 Single Vision, plastic, clr
6650–00–NIB–0033—Lenses Only, 1 pair CR–39 Flat Top 28 Bifocal, clr
6650–00–NIB–0034—Lenses Only, 1 pair CR–39 Flat Top 35 Bifocal, clr
6650–00–NIB–0035—Lenses Only, 1 pair CR–39 Round 25 & 28, clr
6650–00–NIB–0036—Lenses Only, 1 pair CR–39 Flat Top 7 x 28, clr
6650–00–NIB–0037—Lenses Only, 1 pair CR–39 Flat Top 8 x 35, clr
6650–00–NIB–0038—Lenses Only, 1 pair CR–39 Progressives, clr
6650–00–NIB–0039—Lenses Only, 1 pair CR–39 SV Aspheric Lentic.
6650–00–NIB–0040—Lenses Only, 1 pair CR–39 Flat Top/Round Asph Len
6650–00–NIB–0041—Lenses Only, 1 pair CR–39 Exec. Bifocal, clr
6650–00–NIB–0042—Lenses Only, 1 pair Glass Single Vision, clr
6650–00–NIB–0043—Lenses Only, 1 pair Glass Flat Top 28 Bifocal, clr
6650–00–NIB–0044—Lenses Only, 1 pair Glass Flat Top 35 Bifocal, clr
6650–00–NIB–0045—Lenses Only, 1 pair Glass Flat Top 7 x 28, trifoc, clr
6650–00–NIB–0046—Lenses Only, 1 pair Glass Flat Top 8 x 35, trifoc, clr
6650–00–NIB–0047—Lenses Only, 1 pair Glass Progressives, clr
6650–00–NIB–0048—Lenses Only, 1 pair Glass Executive Bifocal, clr
6650–00–NIB–0049—Lenses Only, 1 pair Polycarb SV = Single Vision, clr
6650–00–NIB–0050—Lenses Only, 1 pair Polycarb Flat Top 28, clr
6650–00–NIB–0051—Lenses Only, 1 pair Polycarb Flat Top 35 clr
6650–00–NIB–0052—Lenses Only, 1 pair Polycarb Flat Top 7 x 28, clr
6650–00–NIB–0053—Lenses Only, 1 pair Polycarb Flat Top 8 x 35, clr
6650–00–NIB–0054—Lenses Only, 1 pair Polycarb Progressives, clr
6650–00–NIB–0055—Photochr/Transition, CR–39 SV or MF (MF = Multi-focal)
6650–00–NIB–0056—Photochr-transition Polycarb SV or MF
6650–00–NIB–0057—Photogrey Glass SV or MF
6650–00–NIB–0058—Hi Index Transitions CR–39 SV or MF
6650–00–NIB–0059—Anti-refl. Coating CR–39—PC SV or MF
6650–00–NIB–0060—UV coating CR39
6650–00–NIB–0061—Polariz. Lens CR–39 SV or MF
6650–00–NIB–0062—Slab-off CR–39 SV or MF
6650–00–NIB–0063—Hi Index High Index SV or MF
6650–00–NIB–0064—Prism CR–39 or PC
6650–00–NIB–0065—Diopter CR–39 + or − 9.0
6650–00–NIB–0066—Roll/polish edge CR–39, PC SV or MF
6650–00–NIB–0067—Hyper3 drop SV, MF CR–39 SV or MF
6650–00–NIB–0068—Add Powers over 4.0 CR–39 MF Only
6650–00–NIB–0069—Frame Only Plastic or Metal

Mandatory Source(s) of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Mandatory Purchase For: Department of Veterans Affairs, Veterans Integrated Service Network (VISN) 6 Medical Centers; Community Based Outpatient Clinics (CBOCs); and Health Care Centers that provide optical services
Contracting Activity: Department of Veterans Affairs, Veterans Integrated Service Network (VISN) 6
Distribution: C-List

Deletion

The following product is proposed for deletion from the Procurement List:

Product

NSN(s)—Product Name(s): 7520–00–224–7238—Desk Blotter Pad, 19¼″ x 24¼″, Buff
Mandatory Source(s) of Supply: Life'sWork of Western PA
Contracting Activity: General Services Administration

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2016–02943 Filed 2–11–16; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0026]

Agency Information Collection Activities; Proposed Collection; Comment Request; Requirements Pertaining to Third Party Conformity Assessment Bodies

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (''CPSC'' or ''Commission'') requests comments on a proposed extension of approval of a collection of information under the requirements pertaining to third party conformity assessment bodies, approved previously under OMB Control No. 3041–0156. The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (''OMB'').

DATES: Submit written or electronic comments on the collection of information by April 12, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2012–0026, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal

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

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

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

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number CPSC–2012–0026, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Requirements Pertaining to Third Party Conformity Assessment Bodies.

OMB Number: 3041–0156.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation.

Estimated Burden:

- *New Applications from Third Party Conformity Assessment Bodies.*

○ We estimate approximately 40 new applications from independent third party conformity assessment bodies will be submitted per year, taking an estimated 75 minutes to complete the initial application materials, with an estimated burden of 50 hours per year.

○ We estimate approximately 3 firewalled third party conformity assessment bodies will apply per year, taking an estimated 8.4 hours to complete the initial application materials, with an estimated burden of 25.2 hours per year.

○ We estimate approximately 4 governmental third party conformity assessment bodies will apply per year, taking an estimated 3 hours to complete the initial application materials, with an estimated burden of 12 hours per year.

- *Third party conformity assessment bodies updating information.*

○ We estimate that approximately 5 third party conformity assessment bodies will take 15 minutes to update information for only those elements of information that need updating, with an estimated burden of 1.35 hours per year.

- *Third party conformity assessment bodies that subcontracts out tests.*

○ We estimate that approximately 27 third party conformity assessment bodies will take 7 minutes to comply with the subcontracting recordkeeping requirement for an estimated 68,769 subcontract test, with an estimated of approximately 8,023 hours per year.

- *Third party conformity assessment bodies that voluntarily withdraw.*

○ We estimate approximately 8 third party conformity assessment bodies will withdraw yearly, taking an estimated 30 minutes to create and submit the required documentation, with an estimated burden of 4 hours per year.

- *Third party conformity assessment bodies that are audited.*

○ We estimate that approximately 228 independent third party conformity assessment bodies each year will be audited, taking approximately 4 minutes to resubmit their Form 223 and accreditation certificate, with an estimated burden of 15.2 hours per year.

○ We estimate that approximately 18 firewalled third party conformity assessment bodies will spend 226 minutes collecting and preparing the documentation to submit for an audit, with estimated burden of about 68 hours per year.

○ We estimate approximately 25 governmental third party conformity assessment bodies will spend 1 hour collecting and preparing the documentation to submit for an audit, with estimated burden of 25 hours per year.

- *Total Annual Burden.*

Adding all of the annual estimated burden hours results in a total of 8,224 hours for third party conformity assessment bodies per year. At $38.78 per hour, the total cost of the recordkeeping associated with the Requirements Pertaining to Third Party Conformity Assessment Bodies is approximately $318,927 (8,224 hours × $38.78 = $318,927).

General Description of Collection: On March 12, 2013, the Commission issued a rule Pertaining to Third Party Conformity Assessment Bodies (78 FR 15836). The rule established the general requirements concerning third party conformity assessment bodies, such as the requirements and procedures for CPSC acceptance of the accreditation of a third party conformity assessment body, and prescribed adverse actions that may be imposed against CPSC-accepted third party conformity assessment bodies. The rule also amended the audit requirements for third party conformity assessment bodies and amends the Commission's regulation on inspections.

Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;

—Whether the estimated burden of the proposed collection of information is accurate;

—Whether the quality, utility, and clarity of the information to be collected could be enhanced; and

—Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: February 9, 2016.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2016–02939 Filed 2–11–16; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: CNCS.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce

paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 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 can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the National Service Trust Voucher and Payment Request Form/ National Service Trust Manual Payment Request Form (OMB #3045–0014); which is used to make payments to repay qualified student loans and to pay for the cost of attending eligible post-secondary educational institutions and approved School-to-Work programs. Prior to making the payments, CNCS will review information from the forms and compare it to information taken from the AmeriCorps members' education award account(s) to ensure that the payments meet the requirements of the law. This information collection is not required to be considered for obtaining grant funding support.

Copies of the information collection request can be obtained by contacting the office listed in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by April 12, 2016.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, National Service Trust; Attention: Nahid Jarrett, Trust Officer, 250 E Street SW., Suite 300, Washington, DC, 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) By fax to: 202–606–3484, Attention: Nahid Jarrett.

(4) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Nahid Jarrett, 202–606–6753, or by email at *njarrett@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background

CNCS supports programs that provide opportunities for individuals who want to become involved in national service. The service opportunities cover a wide range of activities over varying periods of time. Upon successfully completing an agreed-upon term of service in an approved AmeriCorps program, an AmeriCorps member receives an education award.

The National Service Trust is the office within CNCS that administers the education award program. This involves tracking the service for all AmeriCorps members, ensuring that certain requirements of CNCS enabling legislation are met, and processing school and loan payments that the members authorize both manually and electronically through the MyAmeriCorps portal. With this form AmeriCorps members request Segal Education Award payments, schools and lenders certify their eligibility, and both parties certify certain legal requirements.

Current Action

CNCS seeks to renew the current information collection request.

After an AmeriCorps member completes a period of national service, the individual receives an education award that can be used to pay against qualified student loans or pay for current post-secondary educational expenses. The *National Service Trust Voucher and Payment Request Form/ National Service Trust Manual Payment Request Form* is the document that a member uses to access his or her account in the National Service Trust.

The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on 03/31/ 2016.

Type of Review: Renewal.

Agency: CNCS.

Title: National Service Trust Voucher and Payment Request Form/National Service Trust Manual Payment Request Form.

OMB Number: 3045–0014.

Agency Number: None.

Affected Public: Individuals using a Segal AmeriCorps Education Award, authorized school officials and qualified loan servicers.

Total Respondents: 162,000.

Frequency: One or more per education award.

Average Time per Response: Averages 5 minutes.

Estimated Total Burden Hours: 13,500.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/ maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 5, 2016.

Maggie Taylor-Coates,

Chief of Trust Operations.

[FR Doc. 2016–02861 Filed 2–11–16; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–05]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–05 with attached Policy Justification and Sensitivity of Technology.

Dated: February 9, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-05, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $416 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 16–05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment*	$333 million
Other	$ 83 million
Total	$416 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE) includes:

Thirteen (13) MK 15 Phalanx Block lB Baseline 2 Close-in Weapons System (CIWS) Guns

Eight (8) CIWS Block 1 Baseline 0 to Block 1B Baseline 2 upgrade kits

Two-hundred and sixty thousand (260,000) Rounds of 20mm MK 244 MOD 0 Armor-Piercing Discarding Sabots (APDS)

Non -MDE includes:

20mm dummy rounds; spares to support the installation, maintenance and operation of the MK 15 Phalanx Block l B Baseline 2 systems; classified and unclassified publications; software; training; technical assistance; installations; other technical assistance; and logistical support.

(iv) *Military Department*: NAVY (LHO)

(v) *Prior related cases, if any:*

TW–P–LFF, TW–P–LDA; P&A TW–PLHO, $320.2M, 10 October 2014.

(vi) *Sales Commission, Fee, etc., Paid, Offered. or Agreed to be Paid:* None

(vii) *Sensitivity to Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report delivered to Congress:* 16 December 2015

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States (TECRO)—MK 15 Phalanx Block 1B Baseline 2 CIWS Guns, Upgrade Kits, Ammunition, and Support

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of:

Thirteen (13) MK 15 Phalanx Block 1B Baseline 2 Close-in Weapons System (CIWS) Guns

Eight (8) CIWS Block 1 Baseline 0 to Block lB Baseline 2 upgrade kits

Two-hundred and sixty thousand (260,000) Rounds of 20mm MK 244 MOD 0 Armor Piercing Discarding Sabots (APDS)

Also included in this possible sale are: 20mm dummy rounds; spares to support the installation, maintenance and operation of the MK 15 Phalanx Block 1B Baseline 2 systems; classified and unclassified publications; software; training; technical assistance; installations; other technical assistance; and logistical support. The estimated cost is $416 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use the enhanced capability as a deterrent to regional threats and to strengthen homeland defense. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems Company in Tucson, Arizona. The purchaser has requested an offset of forty percent. At this time, agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale should not require the permanent assignment of additional U.S. Government or contractor representatives outside the United States.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. Purchaser currently has forty-two (42) MK 15 Phalanx Close-In Weapon Systems (CIWS) Guns of various configurations, including Block 0, Block 1 (Baselines 0, 1 and 2), Block 1A, and Block 1B Baseline 0. Purchaser will be upgrading eight (8) of its lower configurations as well as procuring thirteen (13) additional systems, all of which will have an end configuration of Block 1B Baseline 2 configuration. The main characteristics of the MK 15 Phalanx Block l B Baseline 2 CIWS Gun are:

a. A Radar Upgrade that provides increased sensitivity on sea-skimming threats and improved low-observable performance.

b. A stabilized thermal imager and an automatic acquisition video tracker that were introduced with the Block 1B Baseline 0 configuration. These components provide the capability to engage small, high speed, maneuvering surface craft and low, slow aircraft and helicopters. The thermal imager also improves performance against Anti-Ship Cruise Missiles by carrying out more accurate angle tracking information to the fire control computer. Purchaser has already been provided this capability with the Block 1B Baseline 0 previously procured via an FMS case.

c. The Optimized Gun Barrel that was also introduced with the Block l B Baseline 0 and provides improved dispersion performance of the ammunition when the system is fired. This gun barrel also permits use of the MK 244 ammunition, an enhanced lethal cartridge capable of penetrating harder warheads in use today. Purchaser has already been provided this capability with the Block l B Baseline 0 previously procured via an FMS case.

2. Although the MK 15 Phalanx Block 1B Baseline 2 CIWS Gun is considered state-of-the-art technology, there is no Critical Program Information associated with the MK 15 Phalanx CIWS hardware, technical documentation, or software. The highest classification of the hardware to be exported is UNCLASSIFIED. The highest classification of the technical documentation to be exported is CONFIDENTIAL; there is only one CONFIDENTIAL technical manual that will be exported, which is required for the operation of the MK 15 Phalanx CIWS. The highest classification of software to be exported is UNCLASSIFIED. The MK 15 Phalanx CIWS meets Anti-Tampering requirements. Only Organizational-Level and Intermediate-Level maintenance capability will be exported. The Maintenance Plan for the MK 15 CIWS limits Intermediate-Level maintenance to the system's Gun and Ammunition Handling System.

3. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is

necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2016–02905 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–06]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–06 with attached Policy Justification and Sensitivity of Technology.

Dated: February 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-06, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $216,848,586. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 16–06

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment *	$203,814,738
Other	$ 13,033,848
Total	$216,848,586

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE) includes:

Two-hundred and fifty (250) Block I -92F MANPAD Stinger Missiles

Four (4) Block I -92F MANPAD Stinger Fly-to-Buy Missiles

One (1) Captive Flight Trainer (CFT)

Forty-two (42) Field Handling Trainers (FHTs)

Seventy (70) Gripstock Control Groups

Seventy (70) Medium Thermal Weapon Sights (MTWS)

Forty-two (42) Tracking Head Trainers (THTs)

Four (4) Sierra Coolant Recharging Units (CRUs)

One (1) Missile Go/No Go Test Set

Four (4) each MQM–170 Outlaw Target Drones

Sixty-two (62) Identification Friend or Foe (IFF), IFF Development

One (1) Stinger Troop Proficiency Trainer (STPT)

Non-MDE items included are Integrated Electronic Technical Manuals (IETMs), Government-Furnished Equipment, spare and repair parts, Telemeters, Range and Test Support, contractor technical support, contractor training, contractor engineering services, and contractor logistics services. Also included are consolidation, Total Package Fielding, Material Fielding Team, Field Service Representative (FSR), U.S. Government Technical Support, and other associated equipment and services.

(iv) *Military Department:* Army (XX–B–ZBU)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission. Fee, etc., Paid, Offered, or agreed to be paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 16 December 2015

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office (TECRO) in the United States—Block I—92F MANPAD Stinger Missiles and Related Equipment and Support

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of two-hundred and fifty (250) Block I–92F MANPAD Stinger Missiles, four (4) Block I–92F MANPAD Stinger Fly-to-Buy Missiles, one (1) Captive Flight Trainer (CFT), forty two (42) Field Handling Trainers (FHTs), seventy (70) Gripstock Control Groups, seventy (70) Medium Thermal Weapon Sights (MTWS), forty-two (42) Tracking Head Trainers (THTs), four (4) Sierra Coolant Recharging Units (CRUs), one (1) Missile Go/No Go Test Set, four (4) MQM–170 Outlaw Target Drones, sixty-two (62) Identification Friend or Foe (IFF), IFF Development, one (1) Stinger Troop Proficiency Trainer (STPT). Also included are Integrated Electronic Technical Manuals (IETMs),Government Furnished Equipment, spare and repair parts, Telemeters, Range and Test Support, contractor technical support, contractor training, contractor engineering services, contractor logistics services, consolidation, Total Package Fielding, Material Fielding Team, Field Service Representative (FSR), U.S. Government Technical Support, and other associated equipment and services. The estimated value is $216,848,586.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use the enhanced capability as a deterrent to regional threats and to strengthen homeland defense.

The recipient intends to use these defense articles and services to modernize its armed forces and to expand its existing air defense architecture to counter threats posed by air attack. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor involved in this program is Raytheon Missile Systems, Tucson, Arizona. The recipient normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require visits to the recipient by twelve (12) U.S. Government or contractor representatives for a period of six (6) weeks (Non-concurrent).

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–06

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(viii) *Sensitivity of Technology:*

1. The highest classification of the Stinger 92F Reprogrammable Micro-Processor (RMP) Block I Missile and Stinger Man-Portable Air Defense System (MANPADS) hardware is CONFIDENTIAL, and the highest classification of data and information is SECRET.

a. The Stinger RMP Block I Missile, hardware, embedded software object code and operating documentation contain sensitive technology and are classified CONFIDENTIAL. The guidance section of the missile and tracking head trainer contain highly sensitive technology and are classified CONFIDENTIAL. Missile System hardware components contain sensitive critical technologies. Stinger Block I critical technology is primarily in the area of design and production know-how and not end-items. This sensitive critical technology is inherent in the hybrid microcircuit assemblies; micro-processors; magnetic and amorphous metals; purification; firmware; printed circuit boards; laser roll rate sensor; dual detector assembly; detector filters; optical coatings; ultraviolet sensors; compounding and handling of electronic, electro-optic, and optical materials; test equipment operating instructions; energetic materials fabrication and loading technology; warhead components and seeker assembly. Information on countermeasures vulnerability to electronic countermeasures, system performance capabilities and effectiveness, simulation and test data and software source code are classified up to SECRET.

b. Loss of this hardware and/or data could permit development of information leading to the exploitation of countermeasures. Therefore, if a technologically capable adversary were to obtain missile hardware or associated development or production information, the missile system could be compromised through reverse engineering techniques which could defeat the weapon system's effectiveness.

2. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2016–02862 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–27]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–27 with attached Policy Justification and Sensitivity of Technology.

Dated: February 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-27, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $190 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 15–27

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 25 million
Other	$165 million
Total	$190 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The sale, refurbishment, and upgrade of two (2) Oliver Hazard Perry Class Frigates (FFG–7) being provided as Excess Defense Articles (EDA). Each vessel will be equipped with the MK–92 Mod 6 Fire Control System, the SSQ–89V(9) Anti-Submarine Warfare System, the MK–75 76mm Gun System, Phalanx 20mm Close-In-Weapon System (CIWS) (Block l B), MK–13 Guided Missile Launching System (GMLS), AN/SLQ–32 Electronic Warfare System, SPS–49

Radar, SQR–19 Towed Array Sonar, SQS–56 Sonar, spare and repair parts, publications and technical documentation, personnel training and training equipment, provisioning, system integration, U.S. Government and contractor logistics, engineering, and technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (SEP)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 16 December 2015

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Refurbishment and Upgrades of EDA Oliver Perry Class Frigates (FFG–7)

The Taipei Economic and Cultural Representative Office in the United States has requested the possible sale, refurbishment, and upgrade of two (2) Oliver Hazard Perry Class Frigates (FFG–7) being provided as Excess Defense Articles (EDA). Each vessel will be equipped with the MK–92 Mod 6 Fire Control System, the SQQ–89V(9) Anti-Submarine Warfare System, the MK–75 76mm Gun System, Phalanx 20mm Close-In-Weapon System (CIWS) (Block I B), MK–13 Guided Missile Launching System (GMLS), AN/SLQ–32 Electronic Warfare System, SPS–49 Radar, SQR–19 Towed Array Sonar, SQS–56 Sonar, spare and repair parts, publications and technical documentation, personnel training and training equipment, provisioning, system integration, U.S. Government and contractor logistics, engineering, and technical support services, and other related elements of logistics and program support. The estimated cost is $190 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use these ships to replace existing Knox Class destroyers which have reached the end of their useful service life. The EDA Oliver Hazard Perry Class Frigates (FFG–7) will be more sustainable, provide increased Anti-Submarine Warfare (ASW) capability as a deterrent to local threats, require less maintenance, and reduce life cycle support costs. The recipient will have no difficulty absorbing these ships and equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be selected through a competitive procurement conducted by the U.S. Government in accordance with the Federal Acquisition Regulation. The purchaser normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–27

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Item No. vii

(vii) *Sensitivity of Technology:*

1. The equipment to be delivered with these Oliver Perry Class Frigates (FFG–7) is similar to the equipment currently on customer ships or in inventory. This includes Close-ln- Weapon System (CIWS) (Block IB), MK 75 76mm gun, MK 13 Guided Missile Launching System (GMLS) for their STANDARD Missile (SM–1) and Harpoon Block II missiles. MK 32 SVTT is an over-the-side launching system for light weight torpedoes. The Link 11 system provides data sharing capability with other platforms. Operational performance characteristics for CIWS, Harpoon, and the MK 75 gun are classified SECRET. With the exception of CIWS IB and Harpoon Block II, all other equipment being provided in this program is considered legacy technology within the U.S. Navy.

2. The SQQ–89V(9) Anti-Submarine Warfare (ASW) system is being introduced to customer inventory through this program. This system represents an upgrade in capability for the customer, which will enhance the recipient's ASW capabilities. The operating system software and operating manuals are both classified SECRET. Operational performance is classified SECRET. The technical and operational elements of this system, and any related data, are classified SECRET. The SQQ–89V(9) will result in the transfer of highly accurate ASW sensing and detection capability.

3. The technical and operational elements of these systems, and any related data, are classified to protect vulnerabilities, design and performance parameters, and similar critical information. Uncontrolled release of sensitive technological information on these systems could reveal capabilities and possible vulnerabilities.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

5. A determination has been made that the recipient can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2016–02842 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–44]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–44 with attached Policy Justification.

Dated: February 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-44, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $120 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 5001–06–C

Transmittal No. 15–44

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$120 million
Total	$120 million

(iii) *Description and Quantity or Quantities of Articles or Services under*

Consideration for Purchase: Follow-on life cycle support to maintain the Multifunctional Information Distribution Systems Low Volume Terminals (MIDS/LVT–1) and Joint Tactical Information Distribution Systems (JTIDS). The support will include spare and repair parts, support equipment, repair and return, publications and technical documentation, personnel training and training equipment, software and hardware updates, maintenance of a continental United States (CONUS) lab, U.S. Government and contracting engineering, logistics, and technical support services, and other related elements of program and logistics support.

(iv) *Military Department:* Navy (GOS)

(v) *Prior Related Cases, if any:*

FMS Case GNU–$290M–13JUL10

FMS Case GMK–$277M–10JAN03

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 16 December 2015

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States- Follow-On Support

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of follow-on life cycle support to maintain the Multifunctional Information Distribution Systems Low Volume Terminals (MIDS/LVT–1) and Joint Tactical Information Distribution Systems (JTIDS) previously procured. The support will include spare and repair parts, support equipment, repair and return, publications and technical documentation, personnel training and training equipment, software and hardware updates, maintenance of a continental United States lab, U.S. Government and contracting engineering, logistics, and technical support services, and other related elements of program and logistics support. The estimated value is $120 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will enhance the recipient's operational readiness and maintenance of its existing systems. The support will improve and integrate the recipient's information flow and display of tactical aircraft, surface ships, and ground stations. The recipient will have no difficulty absorbing this support and equipment into its inventory.

The proposed sale of this equipment and support will not significantly alter the basic military balance in the region.

The principal contractor will be selected through a competitive procurement conducted by the U.S. Government in accordance with the Federal Acquisition Regulation. The purchaser normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to the recipient involving U.S. Government and contractor representatives to participate in training, program management, and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2016–02847 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–74]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–74 with attached Policy Justification and Sensitivity of Technology.

Dated: February 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-74, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $57 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 15–74

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment *	$50.0 million
Other	$ 7.0 million
Total	$57.0 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two-hundred and eight (208) Javelin Guided Missiles

Also included with this request are U.S. Government and contractor technical assistance, above the line transportation costs, and other related elements of logistics and program support.

(iv) *Military Department:* Army (ZBS)

(v) *Prior Related Cases, if any:*

FMS Case: YWG, Basic: $39.8M–8 Jul 02
A01: $39.98M–18 Jul 03
A02: $39.98–04 Nov 05
A03: $39.7M–15 Dec 09
YZD, Basic: $28.8M–11 Dec 09
A01: $30.1M–25 Oct 10

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached

(viii) *Date Report Delivered to Congress:* 16 December 2015

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Javelin Missile

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of two-hundred and eight (208) Javelin Guided Missiles; U.S. Government and contractor technical assistance, above the line transportation costs, and other related elements of logistics and program support. The estimated cost is $57 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The Javelin missile will provide the recipient with increased capacity to meet its coastal and homeland defense requirements. The recipient will have no difficulty absorbing this equipment into its armed forces.

The prime contractors will be Raytheon/Lockheed Martin Javelin Joint Venture of Orlando, Florida and Tucson, Arizona. The purchaser normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–74

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(viii) *Sensitivity of Technology:*

1. The Javelin Weapon System is a medium-range, man-portable, shoulder-launched, fire-and-forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms to include vehicles and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms.

4. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the Command Launch Unit (CLU) is considered sensitive. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered sensitive in that the infrared wavelengths could be useful in attempted countermeasure development. The benefits to be derived from the sale, as outlined in the policy justification of the notification, outweigh the potential damage that could result if sensitive technology was revealed to unauthorized persons.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities. All defense articles and services listed in this transmittal have been authorized for release and export to the Taipei Economic and Cultural Representative Office in the United States.

[FR Doc. 2016–02865 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–01]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–01 with attached Policy Justification and Sensitivity of Technology.

Dated: February 9, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-01, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $268 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 16–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) Of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural and Representative Office in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$237 million
Other	$ 31 million
Total	$268 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Seven hundred sixty-nine (769) TOW 2B Aero, Radio Frequency (RF) Missiles (BGM-71F-Series)

Fourteen (14) TOW 2B Aero, Radio Frequency (RF) (BGM-71F-Series) Fly-to-Buy Missiles

Forty-six (46) Improved Target Acquisition System (ITAS)

Four (4) ITAS spares

Also included are the following non-MDE: Missile Support Equipment, Government-Furnished Equipment, Technical Manuals/Publications, Spare Parts, Tool and Test Equipment, Training, U.S. Government Technical

Support/Logistical Support, Contractor Technical Support, and other associated equipment and services.

(iv) *Military Department:* U.S. Army (TW–B–ZBT)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* 16 December 2015

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representatives Office in the United States - TOW 2B Aero Radio Frequency (RF) Missile (BGM-71F-Series), Support and Training

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of seven hundred sixty-nine (769) TOW 2B Aero Radio Frequency (RF) Missiles (BGM-71F-Series). This proposed sale also includes fourteen (14) Radio Frequency (RF) TOW 2B Aero (BGM-71F-Series) Fly-to-Buy Missiles for lot acceptance testing, forty-six (46) Improved Target Acquisition System (ITAS) Launchers, four (4) Improved Target Acquisition System (ITAS) Launcher spares, Missile support Equipment, Government-Furnished Equipment, Technical Manuals/Publications, Spare Parts, Tool and Test Equipment, Trainers, U.S. Government Technical Support/Integrated Logistical Support, Contractor Technical Support, and other associated equipment and services. The estimated cost is $268 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enchance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military, balance, and economic progress in the region.

The proposed sale of TOW 2B Missiles, ITAS Launchers, and technical support will advance the recipient's efforts to develop and integrated ground defense capability. A strong national defense and dedicated military force will assist the recipient in its efforts to maintain stability. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor involved in this program is Raytheon Missile Systems (RMS) of Tucson, Arizona, and McKinney, Texas. The purchaser normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the U.S. Government or contractor representatives to travel to the recipient for multiple period of equipment de-processing/fielding, system checkout, and new equipment training. There will be no more than ten contractor personnel at any one time and all efforts will take less than 16 weeks in total.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Anns Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The TOW 2B Aero Radio Frequency (RF) Missile (BGM–71F–3–RF) is a fly-over-shootdown missile designed to defeat armored vehicles. TOW missiles are fired from a variety of TOW Launchers in the U .S. Army, U.S. Marine Corps and Foreign Military Sales (FMS) customer forces. The TOW 2B Aero RF missile can be launched from the same launcher platforms as the existing wire-guided TOW 2B and TOW 2B Aero missiles without modification to the launcher. The TOW 2B missile (both wire & RF) contains two tracker beacons (xenon and thermal) for the launcher to track and guide the missile in flight. Guidance commands from the launcher are provided to the missile by an RF link contained within the missile case. Software for performance data, lethality penetration, and sensors are classified SECRET.

2. The Improved Target Acquisition System (ITAS) is designed to fire all existing versions of the TOW missile and consists of a Target Acquisition Subsystem (TAS), a Fire Control Subsystem (FCS), a Li-Ion Battery Box (LBB), a modified Traversing Unit (TU) plus the standard launch tube and tripod. The ITAS provides for the integration of both the direct view optics and a second generation Standard Advanced Dewar Assembly (SADA) II thermal sensor into a single housing; direct view optics that provide viewing the target scene in daylight and non-obscured conditions; introduction of both passive and active eye safe laser-ranging; development of embedded training and training sustainment; automatic bore sight which allows the gunner to align the night vision system with the direct view optics; insertion of advanced Built-In Test/Built-In Test Equipment (BIT/BITE) which provides fault detection and recognition and go/no go status for the gunner; and an Aided Target Tracker (ATT) that provides the capability to process infrared imagery into recognizable contour features used to assist the gunner's aim point.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2016–02891 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–72]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–72 with attached Policy Justification and Sensitivity of Technology.

Dated: February 9, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-72, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $375 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 15–72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:*

Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment *.	$300.0 million
Other	$ 75.0 million
Total	$375.0 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE) includes:

Thirty-Six (36) Assault Amphibious Vehicles (AAVs)

Weapons

- Thirty (30) .50 Caliber M2 machine guns
- Six (6) 7.62mm M240 machine guns

Non-MDE included with this request are: Enhanced Armored Applique Kits (EAAK); spares; training; support and test equipment; publications; contractor engineering technical services; engineering technical services; logistical, training, engineering and program support; and other technical assistance.

(iv) *Military Department:* NAVY (SEQ)

(v) *Prior Related Cases, if any:* FMS Case SDR-$173 million-04 SEP 02

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 16 December 2015

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States (TECRO)—Assault Amphibious Vehicles (AAVs)

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of the following:

Major Defense Equipment (MDE) includes:

Thirty-Six (36) Assault Amphibious Vehicles (AAVs)

Weapons

- Thirty (30) .50 Caliber M2 machine guns
- Six (6) 7.62mm M240 machine guns

Non-MDE included with this request are: Enhanced Armored Applique Kits (EAAK); spares; weapons; training; support and test equipment; publications; contractor engineering technical services; engineering technical services; logistical, training, engineering and program support; and other technical assistance. The estimated MDE cost is $300 million. The total estimated cost is $375 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use these vehicles to augment existing vehicles and will have no difficulty absorbing these new vehicles into its armed forces.

The proposed sale of this equipment and support will not significantly alter the basic military balance in the region.

The prime contractor supporting the refurbishment has not been selected. The purchaser normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale should not require the permanent assignment of additional U.S. Government or contractor representatives to the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The Amphibious Assault Vehicles (AAV) Al Reliability Availability Maintainability (RAM) Rebuild to Standard (RS) Family of Vehicles (FOV) end items, trainers, and components are UNCLASSIFIED. The technical and operational elements of these systems, and any related data, are classified up to SECRET to protect vulnerabilities, design and performance parameters, and similar critical information.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

3. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2016–02938 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–45]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–45 with attached Policy Justification and Sensitivity of Technology.

Dated: February 9, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

DEC 16 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-45, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $75 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 15–45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment*	$10 million
Other	$65 million
Total	$75 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE) includes:

Four (4) Multifunctional Information Distribution Systems (MIDS) On Ship Low Volume Terminals (LVTs)

Four (4) Command and Control Processor (C2P) units

Non-MDE items included are the installation and integration of Taiwan Advanced Tactical Data Link System (TATDLS) beyond line-of-sight datalink capability on six (6) Perry Class Frigates (PFG–2) and four (4) Lafayette Class (PFG–3) ships, up to ten (10) High Frequency Radios, and ten (10) Data Terminal Sets (DTSs). Also included are spare and repair parts; support equipment; communications equipment; maintenance support; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor engineering and technical support services; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (GOX)

(v) *Prior Related Cases, if any:*
FMS Case GNU–$290M–13JUL10
FMS Case GMK–$277M–10JAN03

(vi) *Sales Commission, Fee. etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 16 December 2015

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States-Taiwan Advanced Tactical Data Link System (TATDLS) and Link-11 Integration

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of four (4) Multifunctional Information Distribution Systems (MIDS) On Ship Low Volume Terminals (LVTs), and four (4) Command and Control Processor (C2P) units. Also included will be the installation and integration of Taiwan Advanced Tactical Data Link System (TATDLS) beyond line-of-sight datalink capability on six (6) Perry Class (PFG–2) and four (4) Lafayette Class (PFG–3) ships, up to ten (10) High Frequency Radios, ten (10) Data Terminal Sets (DTSs), spare and repair parts, support equipment, communications equipment, maintenance support, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering and technical support services, and other related elements of logistics and program support. The estimated value is $75 million.

This sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. Under this case the recipient will update the existing Perry Class (PFG–2) (six ships) and Lafayette Class (PFG–3) (four ships) ships to match the configuration of ships updated under the Po Sheng and Syun An programs. Configuring the remaining ships to include TATDLS beyond line-of-sight datalink capability will allow data sharing capability with other platforms and improve the recipient's operational readiness for the systems provided under the previous Foreign Military Sales (FMS) cases. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not significantly alter the basic military balance in the region.

The principal contractor is unknown at this time and will be determined during contract negotiations. The purchaser normally requests industrial cooperation at forty percent, but at this time there are no known offset agreements proposed in connection with this potential sale.

It is estimated that during implementation of this proposed sale a number of U.S. Government and contractor representatives will be assigned to the recipient or travel there intermittently during the program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The equipment to be delivered under this case has been provided previously under Po Sheng TW–P–GMK and Syun An TW–P–GNU and is currently used by the customer. The efforts under this case will lead to the remaining Perry Class (PFG–2) (six ships) and Lafayette Class (PFG–3) (four ships) ships having the same configuration as ships previously integrated under Po Sheng, TW–P–GMK and Syun An, TW–P–GNU cases. The ships will have Taiwan Advanced Tactical Data Link System (TATDLS) beyond line-of-sight datalink capability, which provides data sharing capability with other platforms. The equipment being provided under this case is considered legacy technology within the U.S. Navy.

2. The Multifunctional Information Distribution System (MIDS) On Ship Low Volume Terminal (LVT) hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified CONFIDENTIAL. The classified information to be provided is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software. The recipient has previously received terminals under TW–P–GNU. Commercial Signal Message Processors (CSMPs) will be integrated into terminals provided. The operating system has CONFIDENTIAL software and operating elements; operating manuals are UNCLASSIFIED.

3. The Command and Control Processor (C2P) provided will be Model 4 or equivalent, which is considered legacy technology within the U.S. Navy. The operating system has CONFIDENTIAL software and operating elements; operating manuals are CONFIDENTIAL.

4. The technical and operational elements of these systems, and any related data, are classified to protect vulnerabilities, design and performance parameters, and similar critical information. Uncontrolled release of sensitive technological information on these systems could reveal capabilities and possible vulnerabilities, which could be detrimental to the U.S. Navy.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2016–02918 Filed 2–11–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

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

ACTION: Notice of Open Live Board Meeting.

SUMMARY: This notice announces a Board meeting of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: March 9th, 2016, 9:00 a.m. to 5:30 p.m.; March 10th, 2016, 9:00 a.m. to 3:30 p.m.

ADDRESSES: Renaissance Arlington Capital View Hotel, 2800 South Potomac Ave., Arlington, Virginia 22202 USA.

FOR FURTHER INFORMATION CONTACT: Michael Li, Policy Advisor, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–287–5189, and email *Michael.li@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Meet with and hear from the Assistant Secretary of the Office of Energy Efficiency and Renewable Energy, the two Deputy Assistant Secretary's for Energy Efficiency and Renewable Energy, meet with the QER Team within the Office of Energy Policy and Systems Analysis (EPSA), engage with the Office of Technology Transitions, discuss updates and provide recommendations on the Weatherization Assistance Program, and update members of the Board on routine business matters.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Monica Neukomm at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 90 days on the STEAB Web site, *http://www.energy.gov/eere/steab/state-energy-advisory-board.*

Issued at Washington, DC, on February 5, 2016.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–02796 Filed 2–11–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, March 17, 2016 12:00 p.m.–6:00 p.m. EST.

Friday, March 18, 2016 8:00 a.m.–12:30 p.m. EST.

ADDRESSES: The meeting will be held at the National Rural Electric Cooperative Association, 4301 Wilson Blvd., Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–1060 or Email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include an update on the programs and initiatives of the DOE's Office of Electricity Delivery and Energy Reliability and the Quadrennial Energy Reviews. The meeting is also expected to include a presentation from FERC Commissioner Cheryl LaFleur and panel discussions on valuation and integration of distributed energy resources (DERs) and on interactions between public policy and wholesale market design. Additionally, the meeting is expected to include a discussion of the plans and activities of the Grid Modernization Initiative Working Group, the Clean Power Plan Working Group, the Smart Grid Subcommittee, the Power Delivery Subcommittee, and the Energy Storage Subcommittee.

Tentative Agenda: March 17, 2016

12:00 p.m.–1:00 p.m. EAC Leadership Committee Meeting
12:00 p.m.–1:00 p.m. Registration
1:00 p.m.–1:15 p.m. Welcome, Introductions, Developments since the September 2015 Meeting
1:15 p.m.–1:30 p.m. Update on the DOE Office of Electricity Delivery and Energy Reliability's Programs and Initiatives
1:30 p.m.–1:55 p.m. Update on the Quadrennial Energy Reviews
1:55 p.m.–2:20 p.m. Update on the DOE Grid Modernization Initiative
2:20 p.m.–2:30 p.m. EAC Member Discussion of the Grid Modernization Initiative Working Group Plans
2:30 p.m.–4:00 p.m. Panel: Valuation and Integration of DERs
4:00 p.m.–4:15 p.m. Break
4:15 p.m.–5:00 p.m. Presentation from FERC Commissioner Cheryl LaFleur
5:00 p.m.–5:55 p.m. EAC Smart Grid Subcommittee Activities and Plans
5:55 p.m.–6:00 p.m. Wrap-up and Adjourn Day One of March 2016 Meeting of the EAC

Tentative Agenda: March 18, 2016

8:00 a.m.–9:00 a.m.–EAC Storage Subcommittee Activities and Plans
9:00 a.m.–9:50 a.m.–EAC Power Delivery Subcommittee Activities and Plans
9:50 a.m.–10:00 a.m.–Break
10:00 a.m.–11:40 a.m.–Panel: Interactions Between Public Policy and Wholesale Market Design
11:40 a.m.–12:00 p.m. EAC Member Discussion of Clean Power Plan Working Group Activities and Plans
12:00 p.m.–12:10 p.m. Public Comments
12:10 p.m.–12:30 p.m. Wrap-up and Adjourn March 2016 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Friday, March 18, 2016, but must register at the registration table in advance. Approximately 10 minutes will be reserved for public comments. Time

allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by ''Electricity Advisory Committee Open Meeting,'' by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.

- *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on February 5, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–02793 Filed 2–11–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: 30-Day Notice of Submission of Information Collection Approval from the Office of Management and Budget and Request for Comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, EIA has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery''' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

DATES: Comments must be submitted by March 14, 2016.

ADDRESSES: Written comments may be submitted to:

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503.

and to

Jacob Bournazian, Energy Information Administration, 1000 Independence Avenue SW., Washington, DC 20585, or by fax at 202–586–0552, or by email at *jacob.bournazian@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jacob Bournazian, U.S. Energy Information Administration, 1000 Independence Avenue SW., Washington, DC 20585, phone: 202–586–5562, email: *jacob.bournazian@eia.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to collect qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

Qualitative feedback means data that provide useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations. This feedback also provides an early warning of issues with service, or focuses attention on areas where communication, training or changes in operations might improve the accuracy of data reported on survey instruments or the delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The 60-day notice was published in the **Federal Register** of December 4, 2015; it can be reviewed at *https://www.gpo.gov/fdsys/pkg/FR–2015–12–*

04/pdf/2015–30657.pdf. EIA proposes to reduce the burden hour estimate shown in the 60-day notice from 25,000 hours to 15,000 hours to reflect current program needs. Below we provide EIA's projected average estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 150.

Respondents: 100.

Annual Responses: 15,000.

Frequency of Response: Once per request.

Average Minutes per Response: 60.

Burden Hours: 15,000.

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 Office of Management and Budget control number.

Statutory Authority: Executive Order (EO) 13571, Streamlining Service Delivery and Improving Customer Service.

Issued in Washington, DC on February 5, 2016.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2016–02800 Filed 2–11–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2777–123]

Idaho Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to Land Management Plan.

b. *Project No:* 2777–123.

c. *Date Filed:* December 29, 2015.

d. *Applicant:* Idaho Power Company.

e. *Name of Project:* Upper Salmon Falls Hydroelectric Project.

f. *Location:* The project is located on the Snake River in Gooding and Twin Falls counties, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* L. Lewis Wardle, Senior Biologist—Licensing Program; *lwardle@idahopower.com;* (208) 388–2964.

i. *FERC Contact:* Krista Sakallaris, (202) 502–6302, *Krista.Sakallaris@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests: March 8, 2015.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations 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–2777–123.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Idaho Power Company (IPC) filed a five-year compliance report for the project's approved land management plan as well as proposed updates to the existing plan. Updates include new land-use classification maps based off previously approved changes and modifications to the use classification of private boat docks on conservation and agriculture/grazing land. IPC proposes to change the classification of private boat docks to ''conditional'' in both conservation and agriculture/grazing land-use areas, which are currently listed as allowed and prohibited, respectively. To remain consistent across projects, IPC proposes the modification due to changes in land ownership and land use patterns from open-range grazing to private/rural-residential uses in the project area, as well as at this and several other IPC projects. IPC states that by listing private boat docks as conditional it would review all applications to ensure the proposal does not have adverse resource effects. Additionally, all dock applications would be required to meet the IPC's existing boat dock standards and applicants would be required to obtain the required state and federal permits and consult with specified resource agencies.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any

filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: February 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02926 Filed 2–11–16; 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 exempt wholesale generator filings:

Docket Numbers: EG16–52–000.
Applicants: South Plains Wind Energy II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of South Plains Wind Energy II, LLC.
Filed Date: 2/8/16.
Accession Number: 20160208–5065.
Comments Due: 5 p.m. ET 2/29/16.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–68–000.
Applicants: Smith Creek Hydro, LLC.
Description: Application of Smith Creek Hydro, LLC for Authorization for Merger and Consolidation of Jurisdictional Facilities, Acquisition of an Existing Generation Facility and Request for Expedited Action.
Filed Date: 2/5/16.
Accession Number: 20160205–5234.
Comments Due: 5 p.m. ET 2/26/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–208–002.
Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC, International Transmission Company, Michigan Electric Transmission Company, LLC.
Description: Compliance filing: 2016–02–08_ITC, ITCM, METC Att O Compliance Filing to be effective 1/1/2016.
Filed Date: 2/8/16.
Accession Number: 20160208–5070.
Comments Due: 5 p.m. ET 2/29/16.

Docket Numbers: ER16–903–000.
Applicants: Ohio Power Company, PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: AEP submits 47th Revised Service Agreement No. 1336 to be effective 1/8/2016.
Filed Date: 2/5/16.
Accession Number: 20160205–5206.
Comments Due: 5 p.m. ET 2/26/16.

Docket Numbers: ER16–904–000.
Applicants: Smith Creek Hydro, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 4/1/2016.
Filed Date: 2/5/16.
Accession Number: 20160205–5216.
Comments Due: 5 p.m. ET 2/26/16.

Docket Numbers: ER16–905–000.
Applicants: Biofuels Washington, LLC.
Description: Notice of Market Based Rate Tariff Cancellation of BioFuels Washington, LLC.
Filed Date: 2/5/16.
Accession Number: 20160205–5232.
Comments Due: 5 p.m. ET 2/26/16.

Docket Numbers: ER16–906–000.
Applicants: PJM Interconnection, L.L.C., American Transmission Systems, Incorporated.
Description: Section 205(d) Rate Filing: ATSI submits Amended Interconnection Agreement Nos. 3992, 3993, and 3994 to be effective 4/8/2016.
Filed Date: 2/8/16.
Accession Number: 20160208–5045.
Comments Due: 5 p.m. ET 2/29/16.

Docket Numbers: ER16–907–000.
Applicants: City Water, Light & Power-City of Springfield, IL.
Description: Annual Informational Attachment O filing of City Water, Light & Power-City of Springfield, IL.
Filed Date: 2/8/16.
Accession Number: 20160208–5073.
Comments Due: 5 p.m. ET 2/29/16.

Docket Numbers: ER16–908–000.
Applicants: NorthWestern Corporation.
Description: Section 205(d) Rate Filing: SA 775—Montana DOT Utilities Agreement—Emerson Jct-Manchester to be effective 4/9/2016.
Filed Date: 2/8/16.
Accession Number: 20160208–5075.
Comments Due: 5 p.m. ET 2/29/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02922 Filed 2–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL16–38–000]

Dominion Energy Marketing, Inc., Dominion Energy Manchester Street, Inc. v. ISO New England, Inc.; Notice of Complaint

Take notice that on February 5, 2016, pursuant to sections 206 and 306 of the Federal Power Act [1] and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2015), Dominion Energy Marketing, Inc. and Dominion Energy Manchester Street, Inc. (DEMS) (collectively, Complainants) filed a formal complaint against ISO New England, Inc. (Respondent) alleging that Respondent violated its Transmission, Markets and Services Tariff in preventing new incremental capacity at DEMS' Manchester Street Station from participating in Respondent's upcoming Forward Capacity Auction on February 8, 2016 for the 2019–2020 Capacity Commitment Period, all as more fully explained in the complaint.

Dominion certifies that copies of the complaint were served on contacts for Respondent as listed on the Commission's list of Corporate Officials.

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 and 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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

[1] 16 U.S.C. 824e and 825e (2012).

The Commission encourages electronic submission of answers, 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 February 25, 2016.

Dated: February 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02924 Filed 2–11–16; 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: RP16–544–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Compliance filing Order No. 587–W Compliance to be effective 4/1/2016.
Filed Date: 2/1/16.
Accession Number: 20160201–5441.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–583–000.
Applicants: Northern Natural Gas Company.
Description: Section 4(d) Rate Filing: 20160203 Negotiated Rate to be effective 2/4/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5083.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–584–000.
Applicants: WestGas InterState, Inc.
Description: Compliance filing 20160203_WGI 587–W NAESB Standards to be effective 4/1/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5170.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–585–000.
Applicants: Enable Mississippi River Transmission, L.
Description: Section 4(d) Rate Filing: Negotiated Rate Filing to Amend LER 5680's Attachment A_02_03_16 to be effective 2/3/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5214.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–586–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: Neg Rate Service Agmts—Pauley to be effective 2/1/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5244.
Comments Due: 5 p.m. ET 2/16/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–65–005.
Applicants: Gulf South Pipeline Company, LP.
Description: Compliance filing Settlement Compliance Tariff Records to be effective 3/1/2016.
Filed Date: 1/29/16.
Accession Number: 20160129–5209.
Comments Due: 5 p.m. ET 2/10/16.

Docket Numbers: RP15–1331–001.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing Update to Non-conforming Agreements for the OPEN Project.
Filed Date: 2/3/16.
Accession Number: 20160203–5135.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–576–001.
Applicants: Cimarron River Pipeline, LLC.
Description: Compliance filing NAESB 3.0 Correction Filing to be effective 4/1/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5237.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–579–001.
Applicants: Dauphin Island Gathering Partners.
Description: Compliance filing NAESB 3.0 Correction to be effective 4/1/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5240.
Comments Due: 5 p.m. ET 2/16/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 4, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02923 Filed 2–11–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1388–077]

Southern California Edison Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of Minimum Pool Requirement.
b. *Project No.:* 1388–077.
c. *Date Filed:* January 27, 2016.
d. *Applicant:* Southern California Edison Company (licensee).
e. *Name of Project:* Lee Vining.
f. *Location:* Lee Vining Creek in Mono County, California.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
h. *Applicant Contact:* Mr. Matthew Woodhall, Southern California Edison Company, 1515 Walnut Grove Avenue, Rosemead, CA 91770, (626) 302–9596, *matthew.woodhall@sce.com.*
i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, or *john.aedo@ferc.gov.*
j. Deadline for filing comments, motions to intervene, protests, and recommendations is March 9, 2016. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations 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. Please include the project number (P–1388–077) on any comments, motions to intervene, protests, or recommendations filed.

k. Description of Request: The licensee requests Commission approval for a variance of the minimum pool requirement at Tioga Lake, which requires that the licensee maintain the lake level within two feet of the spillway or, in dry years, at its peak for the year from May 1 through September 30. In order to facilitate maintenance work on the grizzly and outlet works, the licensee requests Commission approval to begin draining the lake starting August 1, 2016, instead of the October 1 commencement date. The associated maintenance work would occur from September 6 to October 31, 2016, during which, the licensee would maintain natural flow through the outlet works.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02925 Filed 2–11–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2016–0027; FRL–9942–40–OAR]

Agency Information Collection Activities: Information Collection Request (ICR) for On-Highway Motorcycle Certification and Compliance Program; EPA ICR Number 2535.01, OMB Control Number–2060–NEW

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an Information Collection Request (ICR) for on-highway motorcycle emissions certification and compliance'' to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below. The current ICR, under which on-highway motorcycles are included, is scheduled to expire on September 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 April 12, 2016.

ADDRESSES: Submit your comments, referencing docket ID number OAR–2016–0027, to EPA online using EDOCKET (our preferred method), by email to *a-and-rdocket@epamail.epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Julian Davis, Environmental Protection Agency, 2000 Traverwood, Ann Arbor MI 48105; telephone number: (734) 214–4029; fax number: (734) 214–4869; email address: *davis.julian@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OAR–2016–0027, which is available for public viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1744. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above. Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov./edocket.*

Affected entities: Entities potentially affected by this action are on-highway motorcycle manufacturers and importers.

Title: Information Collection Request (ICR) for On-Highway Motorcycle Certification and Compliance Program.

Abstract: Under the Clean Air Act (42 U.S.C. 7521 *et seq.*) manufacturers and importers of on-highway motorcycles must have a certificate of conformity issued by EPA covering any vehicle they intend to offer for sale in the United States. A certificate of conformity represents that the respective vehicle conforms to all applicable emissions requirements. In issuing a certificate of conformity, EPA reviews vehicle information and emissions test data to determine if the required testing has been performed and the required emissions levels have been demonstrated. After a certificate of conformity has been issued, the Agency may request additional information to verify that the product continues to meet its certified emissions standards throughout its useful life. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9. The EPA would like to solicit comments 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.

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, 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.

The current ICR for on-highway motorcycle emissions certification and compliance information is set to expire on September 30, 2016. This program was previously included under the current ICR for light-duty vehicle emissions certification and in-use testing [EPA ICR No. 0783.62, OMB Control No. 2060–0104].

Burden Statement: EPA estimates that 74 respondents will submit information each year spending a total of 542,118 hours and incurring an annualized cost of 10.9 million dollars. The average burden per respondent varies greatly; it is a function of the diversity of the products produced or imported. (A large, diversified motor vehicle manufacturer will have a much greater burden than a small importer of a few identical vehicles.) Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are on-highway motorcycles manufacturers and importers.

Estimated Number of Respondents: 74.

Frequency of Response: Quarterly and annually.

Estimated Total Annual Hour Burden: 3,594.

Estimated Total Annual Cost: $386,088, which includes $151,150 annualized operation and maintenance costs, $113,834 annualized capital/startup costs, and $168,614 annual labor costs. These estimates reflect an update to the previous cost estimates for on-highway motorcycles previously culled and compiled for the current ICR for light-duty vehicle emissions certification and in-use testing.

Dated: February 8, 2016.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2016–02956 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2011–0997; FRL–9939–93–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Recordkeeping and Reporting Related to RFS2 Voluntary RIN Quality Assurance Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Recordkeeping and Reporting Related to RFS2 Voluntary RIN Quality Assurance Program'' (EPA ICR No. 2473.03, OMB Control No. 2060–0688)

to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed revision of the ICR, which is currently approved through 12/31/2017. Public comments were previously requested via the **Federal Register** (80 FR 30455) on May 28, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 14, 2016.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2005–1121, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Geanetta Heard, Fuel Compliance Center, 64106J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9017; fax number: 202–565–2085; email address: *heard.geanetta@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Renewable Fuel Standard (RFS) program began in 2006 pursuant to the requirements in the Clean Air Act (CAA) section 211(o) which were added through the Energy Policy Act of 2005 (EPAct). The statutory requirements for the RFS program were subsequently modified through the Energy Independence and Security act of 2007 (EISA), resulting in the promulgation of major revisions to the regulatory requirements on March 26, 2010. The RFS program requires that specified volumes of renewable fuel be used as transportation fuel, heating oil, and/or jet fuel each year. To accomplish this, the Environmental Protection Agency (EPA) publishes applicable percentage standards annually that apply to the sum of all gasoline and diesel produced or imported. Obligated parties demonstrate compliance with the standards through the acquisition of unique Renewable Identification Numbers (RINs) assigned by the producer or importer to every batch of renewable fuel produced or imported. This regulation will help EPA to monitor compliance with the RFS program and will ensure that the RIN system operates as originally intended. The data generated by the Quality Assurance Plan (QAP) program will assist obligated parties and smaller renewable fuel producers to comply with the requirements of the RFS program by supporting the validity of RINs.

Form Numbers: EPA Forms 5900–354, 5900–355, 5900–356, 5900–323, 5900–357, 5900–358, 5900–359, 5900–360, and 5900–361.

Respondents/affected entities:

Respondent's obligation to respond: Voluntary (40 CFR part 80).

Estimated number of respondents: 1,222 (total).

Frequency of response: Quarterly, yearly and semiannually.

Total estimated burden: 26,830 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2,984,207 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 236,914 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to a reduction in burden hours due to EMTS system's automation structure.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2016–02921 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9025–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs), Filed 02/01/2016 Through 02/05/2016, Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20160028, Final, FHWA, WI, I–94 East-West Corridor (70th St—16th St) Project, Review Period Ends: 03/14/2016, Contact: Michael Davies, 608–829–7500.

EIS No. 20160029, Final, BPA, WA, I–5 Corridor Reinforcement Project, Review Period Ends: 03/14/2016, Contact: Nancy A. Wittpenn 503–230–3297.

Amended Notices

EIS No. 20150346, Draft, OSM, TN, North Cumberland Wildlife Management Area, Tennessee, Lands Unsuitable for Mining, Comment Period Ends: 02/26/2016, Contact: Earl Bandy 865–545–4103 ext. 130, Revision to FR Notice Published 12/11/2015; OSM reopened the comment period that ended 01/025/2016 and extended to 02/26/2016.

Dated: February 9, 2016.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2016–02937 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0407; FRL–9941–79–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; EPA's ENERGY STAR Program in the Commercial and Industrial Sectors (Revision)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''EPA's ENERGY STAR Program in the Commercial and Industrial Sectors'' (EPA ICR No. 1772.07, OMB Control No. 2060–0347) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed revision of the ICR, which is currently approved through March 31, 2016. Public comments were previously requested via the **Federal Register** (80 FR 43770) on July 23, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 14, 2016.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2006–0407, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Stephanie Klein, Climate Protection Partnerships Division, Mail Code: 6202A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9144; fax number: 202–343–2204; email address: *klein.stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA created ENERGY STAR as a voluntary program to help businesses and individuals protect the environment through superior energy efficiency. The program focuses on reducing utility-generated emissions by reducing the demand for energy. In 1991, EPA launched the Green Lights Program to encourage corporations, state and local governments, colleges and universities, and other organizations to adopt energy-efficient lighting as a profitable means of preventing pollution and improving lighting quality. Since then, EPA has rolled Green Lights into ENERGY STAR and expanded ENERGY STAR to encompass organization-wide energy performance improvement, such as building technology upgrades, product purchasing initiatives, and employee training. At the same time, EPA has streamlined the reporting requirements of ENERGY STAR and focused on providing incentives for improvements (*e.g.,* ENERGY STAR Awards Program).

To join ENERGY STAR, organizations are asked to complete a Partnership Letter or Agreement that establishes their commitment to energy efficiency. Partners agree to undertake efforts such as measuring, tracking, and benchmarking their organization's energy performance by using tools such as those offered by ENERGY STAR; developing and implementing a plan to improve energy performance in their facilities and operations by adopting a strategy provided by ENERGY STAR; and educating staff and the public about their Partnership with ENERGY STAR, and highlighting achievements with the ENERGY STAR, where available. In addition, Partners and any other interested party can evaluate the efficiency of their buildings using EPA's online tools (*e.g.,* Portfolio Manager) and apply for recognition.

Form numbers: 5900–19, 5900–21, 5900–22, 5900–33, 5900–89, 5900–195, 5900–197, 5900–198, 5900–262, 5900–263, 5900–264, 5900–265, 5900–375, 5900–376, 5900–377, 5900–378, 5900–379, 5900–380, 5900–381, 5900–382, 5900–383, 5900–384, 5900–385, 5900–386, and 5900–387.

Respondents/affected entities: Entities affected by this action are participants in EPA's ENERGY STAR Program in the Commercial and Industrial Sectors.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 51,515 (total).

Frequency of response: One-time, annually, or on occasion.

Total estimated burden: 254,084 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $21,784,161 (per year), includes $10,827,727 in annualized capital or operation & maintenance costs.

Changes in the estimates: There is an increase of 59,575 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to program growth.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2016–02919 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0078; FRL–9940–65–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Proposed Information Collection Request; Landfill Methane Outreach Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Landfill Methane Outreach Program'' (EPA ICR No. 1849.07 OMB Control No. 2060–0446) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through March 31, 2016. Public comments were previously requested via the **Federal Register** (80 FR 61210) on Friday, October 9, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 14, 2016.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2003–0078, to (1) EPA online

using *www.regulations.gov* (our preferred method), by email to *a-and-rDocket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Swarupa Ganguli, Climate Change Division, Office of Atmospheric Programs, 6207A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9732; fax number: (202) 343–2342; email address: *ganguli.swarupa@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Landfill Methane Outreach Program (LMOP), created by EPA as part of the United States' commitment to reduce greenhouse gas emissions under the United Nations Framework Convention on Climate Change, is a voluntary program designed to encourage and facilitate the development of environmentally and economically sound landfill gas (LFG) energy projects across the United States to reduce methane emissions from landfills. LMOP meets these objectives by educating local governments and communities about the benefits of LFG recovery and use; building partnerships between state agencies, industry, energy service providers, local communities, and other stakeholders interested in developing this valuable resources in their community; and providing tools to evaluate LFG energy potential. LMOP signed voluntary Memoranda of Understanding (MOUs) with these organizations to enlist their support in promoting cost-effective LFG utilization. The information collection includes completion and submission of the MOU, periodic information updates, and annual completion and submission of basic information on landfill methane projects with which the organizations are involved as an effort to update the LMOP Landfill and Landfill Gas Energy Project Database. The information collection is to be utilized to maintain up-to-date data and information about LMOP Partners and LFG energy projects with which they are involved. The data will also be used by the public to access LFG energy project development opportunities in the United States. In addition, the information collection will assist LMOP in evaluating the reduction of methane emissions from landfills.

Form Numbers: 5900–157, 5900–158, 5900–159, 5900–160, 5900–161, and 5900–162.

Respondents/affected entities: Private companies and municipalities that own or operate landfills; manufacturers and suppliers of equipment/knowledge to capture and utilize LFG; utility companies; end-users of energy from landfills; developers of LFG energy projects; State agencies; and other LFG energy stakeholders.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 1,135.

Frequency of response: On occasion.

Total estimated burden: 2,522 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $196,272 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 1,694 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to revised estimates of respondent participation and attrition.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2016–02920 Filed 2–11–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0743]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 12, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0743.

Title: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96–128.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and state, local and tribal government.

Number of Respondents and Responses: 4,471 respondents; 10,071 responses.

Estimated Time per Response: 11.730414 hours.

Frequency of Response: On occasion, quarterly and monthly reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 276 of the Telecommunications Act of 1996, as amended.

Total Annual Burden: 118,137 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the FCC. If the Commission requests respondents to submit information which respondents believe is confidential, they may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: In CC Docket No. 96–128, the Commission promulgated rules and requirements implementing Section 276 of the Telecommunications Act of 1996. Among other things, the rules (1) Establish fair compensation for every completed intrastate and interstate payphone call; (2) discontinue intrastate and interstate access charge payphone service elements and payments, and intrastate and interstate payphone subsidies from basic exchange services; and (3) adopt guidelines for use by the states in establishing public interest payphones to be located where there would otherwise not be a payphone. The information collected under LEC Provision of Emergency Numbers to Carrier-Payers would able used to ensure that interexchange carriers, payphone service providers (''PSP'') LECs, and the states, comply with their obligations under the 1996 Act.

Federal Communications Commission.

Office of the Secretary.

Gloria J. Miles,

Federal Register Liaison Officer.

[FR Doc. 2016–02902 Filed 2–11–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1050]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 12, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1050.

Title: Section 97.303, Frequency Sharing Requirements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households.

Number of Respondents: 5,000 respondents; 5,000 responses.

Estimated Time per Response: 20 minutes (.33 hours).

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 301, 302(a) and 303(c), and (f) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,650 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection.

Needs and Uses: The Commission established a recordkeeping procedure in section 97.303(s) that required that amateur operator licensees using other antennas must maintain in their station records either manufacturer data on the antenna gain or calculations of the antenna gain.

The amateur radio service governed by 47 CFR part 97 of the Commission's rules, provides spectrum for amateur radio service licensees to participate in a voluntary noncommercial communication service which provides emergency communications and allows experimentation with various radio techniques and technologies to further the understanding of radio use and the development of technologies.

The information collection is used to calculate the effective radiated power (ERP) that the station is transmitting to ensure that ERP does not exceed 100 W PEP.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer. Office of the Secretary.

[FR Doc. 2016–02901 Filed 2–11–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 16–53]

Order Declares ACT Telecommunications, Inc.'s International Section 214 Authorization Terminated

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission declares the international section 214 authorization granted to ACT Telecommunications, Inc. (ACT) terminated given ACT's inability to comply with the express condition for holding the authorization. We also conclude that ACT failed to comply with those requirements of the Communications Act of 1934, as amended (the Act) and the Commission's rules that ensure that the Commission can contact and communicate with the authorization holder, which failures have prevented any way of addressing ACT's inability to comply with the condition of its authorization.

DATES: January 14, 2016.

FOR FURTHER INFORMATION CONTACT: Cara Grayer, Telecommunications and Analysis Division, International Bureau, at (202) 418–2960 or *Cara.Grayer@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, DA 16–53, adopted and released January 14, 2016. On October 27, 2009, the International Bureau granted ACT an international section 214 authorization to provide global or limited global facility-based service and global or limited global resale service in accordance with section 63.18(e)(1) and 63.18(e)(2) of the Commission's rules. The International Bureau granted the application on the express condition that ACT abide by the commitments and undertakings contained in its Letter of Assurance (LOA) to the Department of Justice (DOJ) and the Department of Homeland Security (DHS, and with DOJ, the Executive Branch Agencies) dated October 20, 2009. On May 9, 2014, the Executive Branch Agencies notified the Commission of ACT's non-compliance with the conditions of its authorization and requested that the Commission terminate, and declare null and void and no longer in effect, the international section 214 authorization issued to ACT. We determine that ACT's international section 214 authorization to provide international services issued under File No. ITC–214–20081201–00519 has terminated for ACT's inability to comply with the LOA, an express condition for holding the section 214 international authorization. The International Bureau has provided ACT with notice and opportunity to respond to the allegations in the May 9, 2014 Executive Branch Letter concerning ACT's non-compliance with the condition of the grant. ACT has not responded to any of our multiple requests or requests from the Executive Branch Agencies. We find that ACT's failure to respond to our multiple requests demonstrates that it is unable to satisfy the LOA conditions concerning its 2012 and 2013 certifications, maintaining a current designated point of contact (POC), and providing timely notice of a change in ACT's POC status, upon which the Executive Branch Agencies gave their non-objection to the grant of the authorization to ACT, and which is a condition of the grant of its section 214 authorization.

Furthermore, after having received an international 214 authorization, a carrier ''is responsible for the continuing accuracy of the certifications made in its application'' and must promptly correct information no longer accurate, ''and, in any event, within thirty (30) days.'' ACT has failed to inform the Commission of any changes in its business status of providing international telecommunications services, as required by the rules. Nor is there any record of ACT having complied with section 413 of the Communications Act and the Commission's rules requiring it to designate an agent for service after receiving its authorization on October 27, 2009. Finally, as part of its authorization, ACT ''must file annual international telecommunications traffic and revenue as required by section 43.62.'' Section 43.62(b) states that ''[n]ot later than July 31 of each year, each person or entity that holds an authorization pursuant to section 214 to provide international telecommunications service shall report whether it provided international telecommunications services during the preceding calendar year.'' Our records indicate that ACT failed to file an annual international telecommunications traffic and revenue report indicating whether or not ACT provided services in 2014, as required by section 43.62(b) of the Commission's rules. In these circumstances, and in light of ACT's failure to respond to the Commission's rules designed to ensure its ability to communicate with the holder of the authorization also warrants termination wholly apart from demonstrating ACT's inability to satisfy the LOA conditions of its authorization.

By this Order, we grant the Executive Branch agencies' request to the extent set forth in this Order. A copy of this Order will be sent by return receipt requested to ACT at its last known addresses.

Further requests should be sent to Cara Grayer, Attorney, Telecommunications and Analysis Division, International Bureau via email at *Cara.Grayer@fcc.gov* and file it under File No. ITC–214–20081201–00519 via IBFS at *http://licensing.fcc.gov/myibfs/pleading.do.*

Federal Communications Commission.

Troy F. Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2016–02932 Filed 2–11–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[AU Docket No. 14–252; DA 16–115]

Wireless Telecommunications Bureau Releases Updated List of Reserve-Eligible Nationwide Service Providers in Each PEA for the Broadcast Incentive Auction

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission's Wireless Telecommunications Bureau (Bureau) updated a list of nationwide providers qualified to bid on reserved spectrum in Auction 1002.

FOR FURTHER INFORMATION CONTACT: Kate Matraves, Wireless Telecommunications Bureau, 202–391–6272, email *Catherine.Matraves@fcc.gov* or Karen Sprung, Wireless Telecommunications Bureau, 202–418–2762, email *Karen.Sprung@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's Public Notice, DA No. 16–115, AU Docket No. 14–252, released February 2, 2016. The full text of this document, including the associated attachment, is available for inspection and copying from 8:00 a.m. to 4:30 p.m. ET Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://wireless.fcc.gov,* or by using the search function on the ECFS Web page at *http://www.fcc.gov/cgb/ecfs/.*

Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

The *Auction 1000 Application Procedures Public Notice* included a list of nationwide providers in each Partial Economic Area (''PEA'') qualified to bid on reserved spectrum in the forward auction (Auction 1002). The Commission stated in the *Auction 1000 Application Procedures Public Notice* that an updated list of nationwide providers qualified to bid on reserved spectrum in Auction 1002 would be issued prior to the FCC Form 175 filing deadline. Parties interested in filing potential corrections were given until November 16, 2015 to do so, and two parties filed.

The Wireless Telecommunications Bureau is releasing the updated list as Attachment 1 to this Public Notice. These updates reflect recently approved transactions and certain corrections requested by Verizon Wireless and T-Mobile,[1] but do not reflect another correction [2] or certain changes in methodology requested by T-Mobile.[3] PEAs that have been updated are marked in Attachment 1 with an asterisk.

Federal Communications Commission.

Joel Taubenblatt,

Acting Deputy Bureau Chief, Wireless Telecommunications Bureau.

[FR Doc. 2016–03058 Filed 2–11–16; 8:45 am]

BILLING CODE 6712–01–P

[1] Verizon and T-Mobile each filed corrections to PEAs 69 (Springfield, MA) and 282 (Galesburg, IL) indicating that Verizon is not reserve-eligible in those markets. The Commission agrees and accordingly, these corrections are reflected in Attachment 1.

[2] T-Mobile claims that Verizon should not be reserve-eligible in PEA 410 (Valentine, NE) based on arguments that Commission staff may not have attributed Alltel of Nebraska to Verizon, and T-Mobile's own calculations of the population covered by Verizon's cellular licenses in Valentine. The Commission notes first that the Commission did attribute Alltel of Nebraska to Verizon in our calculations. Secondly, in our review of the data submitted by T-Mobile, the Commission finds no basis for the inclusion of three additional census blocks in T-Mobile's calculations of the population covered. The Commission finds that Verizon is reserve-eligible in Valentine.

[3] T-Mobile disagrees with our previously articulated methodology for determining reserve-eligibility in PEAs in which there is a long-term spectrum lease. T-Mobile also advocates that the population-weighted megahertz number for each service provider in each PEA should be rounded up to the next whole number. These issues are beyond the scope of the corrections process set forth in the last Public Notice.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 1, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Robert L. Chandonnet,* individually, Muskegon, Michigan; to acquire voting shares of Community Shores Bank Corporation, and thereby indirectly acquire voting shares of Community Shores Bank, both in Muskegon, Michigan.

Board of Governors of the Federal Reserve System, February 9, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–02906 Filed 2–11–16; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–0363]

Characterization of Ultrahigh Molecular Weight Polyethylene Used in Orthopedic Devices; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Characterization of Ultrahigh Molecular Weight Polyethylene (UHMWPE) Used in Orthopedic Devices''. The guidance identifies the types of UHMWPE currently in use in orthopedic implants, as well as the recommended information and testing that should be included in premarket submissions for such devices. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 12, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–0363 for ''Characterization of

Ultrahigh Molecular Weight Polyethylene (UHMWPE) Used in Orthopedic Devices.'' 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.

An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Characterization of Ultrahigh Molecular Weight Polyethylene (UHMWPE) Used in Orthopedic Devices'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Peter Allen, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 66, Rm. 1512, Silver Spring, MD 20993–0002, 301–796–6402.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry and FDA staff entitled ''Characterization of Ultrahigh Molecular Weight Polyethylene (UHMWPE) Used in Orthopedic Devices''. FDA has developed this guidance document for members of industry who submit, and FDA staff who review, information regarding orthopedic devices using UHMWPE material. This guidance is intended to provide recommendations when finalized regarding the characterization and testing of orthopedic devices that use UHMWPE materials such as conventional UHMWPE, highly crosslinked UHMWPE, and highly crosslinked UHMWPE containing vitamin E. This document also outlines the information FDA recommends industry include in a submission to FDA to characterize the UHMWPE material (*e.g.,* material description, sterility, biocompatibility, mechanical properties, and chemical properties).

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on UHMWPE used in orthopedic devices. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Characterization of Ultrahigh Molecular Weight Polyethylene (UHMWPE) Used in Orthopedic Devices'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1300006 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

The guidance document ''Characterization of Ultrahigh Molecular Weight Polyethylene (UHMWPE) Used in Orthopedic Devices'' refers to previously approved information collections found in FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E, are approved under OMB control number 0910–0120; the collections of information in 21 CFR part 812 are approved under OMB control number 0910–0078; the collections of information in 21 CFR part 814, subparts B and E, are approved under OMB control number 0910–0231; the collections of information in 21 CFR part 814, subpart H, are approved under OMB control number 0910–0332; and the collections of information in the guidance document entitled ''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff'' are approved under OMB control number 0910–0756.

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02879 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0115]

Agency Information Collection Activities; Proposed Collection; Comment Request; Manufactured Food Regulatory Program Standards

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 ''Manufactured Food Regulatory Program Standard.''

DATES: Submit either electronic or written comments on the collection of information by April 12, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–N–0115 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Manufactured Food Regulatory Program Standards.'' 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.

Manufactured Food Regulatory Program Standards—OMB Control Number 0910–0601—Extension

In the **Federal Register** of July 20, 2006 (71 FR 41221), FDA announced the availability of a draft document entitled ''Manufactured Food Regulatory Program Standards (MFRPS).'' These program standards are the framework that States should use to design and manage their manufactured food programs. There are 42 State programs enrolled, which may receive up to $300,000 each year for a period of 5 years provided there is significant conformance with the 10 standards.

In the first year of implementing the program standards, the State program conducts a baseline self-assessment to determine if it meets the elements of each standard. The State program should use the worksheets and forms contained in the draft program standards; however, it can use alternate

forms that are equivalent. The State program maintains the documents and verifies records required for each standard. The information contained in the documents must be current and fit-for-use. If the State program fails to meet all program elements and documentation requirements of a standard, it develops a strategic plan which includes the following: (1) The individual element of documentation requirement of the standard that was not met, (2) improvements needed to meet the program element or documentation requirement of the standard, and (3) projected completion dates for each task.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Respondent	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
State Departments of Agriculture or Health	42	1	42	750	31,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden has been calculated as 750 hours per respondent. This burden was determined by capturing the average amount of time for each respondent to assess the current state of the program and work toward implementation of each of the 10 standards contained in MFRPS. The hours per respondent will change as accounted for in the continuing improvement and self-sufficiency of the program.

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02888 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0114]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Request for Samples and Protocols

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Request for Samples and Protocols'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: On September 24, 2015, the Agency submitted a proposed collection of information entitled ''Request for Samples and Protocols'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0206. The approval expires on December 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02882 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Gastrointestinal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Gastrointestinal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 7, 2016, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Cindy Hong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, *GIDAC@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss new drug application (NDA) 207999, obeticholic acid oral tablets, submitted by Intercept Pharmaceuticals, Inc., proposed for the treatment of primary biliary cirrhosis in combination with ursodeoxycholic acid (UDCA) in adults with an inadequate response to UDCA or as monotherapy in adults unable to tolerate UDCA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background

material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 24, 2016. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 16, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 17, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Cindy Hong at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 8, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–02857 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0268]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: On December 9, 2015, the Agency submitted a proposed collection of information entitled ''Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0728. The approval expires on January 31, 2019. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02880 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0148]

Government-Owned Inventions; Availability for Licensing; Influenza Virus Neuramindase

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The invention listed in this document is owned by an Agency of the U.S. Government and is available for licensing in accordance with Federal regulations to achieve expeditious commercialization of results of Federally funded research and development.

FOR FURTHER INFORMATION CONTACT: *For licensing information and copies of the patent applications:* Alice Welch, Technology Transfer Program Office, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4226, Silver Spring, MD 20993, 240–402–2561, FAX: 301–847–3539. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

For parties interested in licensing or collaborative research activities: William Ronnenberg, Technology Transfer Program Office, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4214, Silver Spring, MD 20993, 240–402–4561, *William.ronnenberg@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Technology description.

Title of Abstract: Therapeutic and prophylactic anti-Influenza virus neuraminidase 1 (N1) antibody (CD6) with a novel epitope that spans neuramindase (NA) dimers.

Description of Technology: Influenza virus neuramindase (NA) protein is a surface protein that plays an essential role in virus replication. Drugs and antibodies that block NA function can reduce both the symptoms and the length of illness; however, variants of influenza virus are resistant to NA inhibitors. The neuramindase 1 (N1) subtype of NA is important because it is found in the two pandemic H1N1 influenza virus strains (1918 Spanish flu and 2009 swine flu) and the H5N1 avian influenza virus. Anti-neuramindase antibody CD6 is a novel antibody that spans a conserved 30 amino acid epitope across the lateral face of a neuramindase (NA) dimer.

The subject technology may offer an alternative to therapeutic NA inhibitors

currently available. CD6 is a potent monoclonal antibody against N1 subtypes of NA that inhibits the enzymatic activity of the NA protein, including NA variants resistant to NA inhibitors. In a murine model of infection, a single dose of antibody was protective against lethal challenge with H1N1 influenza virus. The CD6 antibody can potentially be used in combination with other antibodies in an antibody ''cocktail'' or in conjunction with other therapeutic agents. Additionally, this unique anti-NA antibody may be useful in combination with known neutralizing anti-hemagglutinin (HA) antibodies.

Potential Commercial Applications

- Prophylactic and therapeutic against influenza virus infections;
- Diagnostic tests for influenza virus infections; and
- Reagent to measure the potency of H1N1 NA in influenza virus vaccines.

Competitive Advantages

- Monoclonal antibody demonstrated to be effective against circulating H1N1 influenza viruses;
- Monoclonal antibody binds a novel, conserved epitope spanning NA dimers; and
- Monoclonal antibody is well-suited for an antibody cocktail that includes anti-HA antibodies.

Development Stage: Early state; In vitro data available; In vivo data available (animal).

Inventors: Hongquan Wan (FDA); Maryna Eichelberger (FDA); Hua Yang (CDC); James Stevens (CDC); David Shore (CDC); and Rebecca Garten (CDC).

Publication: Wan, H., H. Yang, D. A. Shore, R. J. Garten, L. Couzens, J. Gao, L. Jiang, P. J. Carney, J. Villanueva, J. Stevens, and M. C. Eichelberger. ''Structural Characterization of a Protective Epitope Spanning A(H1N1)pdm09 Influenza Virus Neuraminidase Monomers.'' 6:6114, *Nature Communications,* 2015.

Intellectual Property: HHS Reference No. E–005–2015/0—U.S. Provisional Patent Application No. 62/088,388 filed December 5, 2014.

Licensing and Collaborative Research Opportunity: The invention is owned by an Agency of the U.S. Government and is available for licensing in accordance with 35 U.S.C. 209 and 37 CFR part 404.

The Food and Drug Administration is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Parties interested in licensing or collaborative research activities for this technology should contact William Ronnenberg (see **FOR FURTHER INFORMATION CONTACT**).

Dated: February 4, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02887 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0742]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: On July 8, 2015, the Agency submitted a proposed collection of information entitled ''Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0045. The approval expires on December 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02881 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Annual Computational Science Symposium; Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration, in cosponsorship with the Pharmaceutical Users Software Exchange (PhUSE) is announcing a public conference entitled ''The FDA/PhUSE Annual Computational Science Symposium.'' The purpose of the conference is to help the broader community align and share experiences to advance computational science. At the conference, which will bring together FDA, industry, and academia, FDA will update participants on current initiatives, and collaborative project groups will address specific challenges in accessing and reviewing data to support product development. These project groups will focus on solutions and practical ways to implement them.

DATES: The meeting will be held on March 13, 2016, from 3 p.m. to 7 p.m., and March 14 to 15, 2016, from 9 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held at the Silver Spring Civic Building at Veterans Plaza, One Veterans Pl., Silver Spring, MD 20910, 1–240–777–5300.

FOR FURTHER INFORMATION CONTACT: Chris Decker, PhUSE FDA Liaison Director, Pharmaceutical Users Software Exchange (PhUSE), Kent Innovation Centre, Broadstairs, Kent CT10 2QQ, United Kingdom; 1–609–514–5105 (US), *css@phuse.eu.*

SUPPLEMENTARY INFORMATION:

I. Background

Since 2008, the Office of Computational Science (formerly the Computational Science Center) of FDA's Center for Drug Evaluation and Research (CDER) has supported CDER's scientific community by offering innovative solutions that improve the scientific drug review process by integrating data, tools, services, and training. Since the first Computational Science Symposium four years ago, FDA has played an important part in the development and ongoing support of the conference and the associated PhUSE Computational Science Working Groups. The PhUSE Collaboration was formed to bring together experts from industry, FDA and other regulatory agencies, academia, and

technology providers in specific areas to collaborate on computational science, describe best practices in challenging areas, and propose methods for addressing knowledge gaps. A description of the project groups and planned activities can be found at *http://www.phuse.eu/css.aspx.*

II. Registration and Accommodations

A. Registration

All registrants (with the exception of a limited number of speakers and/or organizers who will have a complimentary registration) will pay a fee for this meeting to help defray the costs of facilities, materials, and food. Seats are limited, and registration will be on a first-come, first-served basis.

To register, please complete the registration form online at (*https://www.phuse.eu/PhUSE–CSS–2016-Registration.aspx.* (FDA has verified the Web site address, but is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**). The costs of registration for the different categories of attendees are as follows:

Attendee category	Fee ($)
Government/nonprofit/academia	300
Industry Organizing Committee & PhUSE Board of Directors (password required)	350
Poster presenter (includes the printing of the poster by PhUSE, password required)	375
Industry	750
Single-day	650
Registering after the conference begins	1250

Government and nonprofit attendees and exhibitors will need an invitation code to register at the discounted rate. An invitation code can be obtained by sending an email to: *office@phuse.eu.*

B. Accommodations

Attendees are responsible for their own hotel accommodations. Attendees making reservations at the DoubleTree by Hilton Silver Spring Hotel are eligible for a reduced rate of $189 not including applicable taxes. Those making reservations online should use the following link to receive the reduced rate: *http://doubletree.hilton.com/en/dt/groups/personalized/D/DCASSDT-PHU-20160312/index.jhtml?WT.mc_id=POG.*

If you need special accommodations because of disability, please contact Chris Decker (see **FOR FURTHER INFORMATION CONTACT**) at least 14 days in advance.

III. Transcripts

We expect that transcripts will be available approximately 30 days after the meeting. A transcript can be obtained either in hard copy or on CD–ROM, after submission of a Freedom of Information request. Send written requests to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Send faxed requests to 301–827–9267.

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02877 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0247]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Guidance for Industry on Formal Meetings With Sponsors and Applicants for Prescription Drug User Fee Act Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Guidance for Industry on Formal Meetings With Sponsors and Applicants for Prescription Drug User Fee Act Products'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: On October 21, 2015, the Agency submitted a proposed collection of information entitled ''Guidance for Industry on Formal Meetings With Sponsors and Applicants for Prescription Drug User Fee Act Products'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0429. The approval expires on December 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: February 8, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02889 Filed 2–11–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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: NIGMS Initial Review Group, Training and Workforce Development Subcommittee—D.

Date: March 11, 2016.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Rebecca H. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18C, Bethesda, MD 20892, 301–594–2771, *johnsonrh@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 8, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–02853 Filed 2–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Review of R13 Research Grants.

Date: March 16, 2016.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3An.12N, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Nina Sidorova, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–6200, 301–594–3663, *sidorova@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 8, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–02852 Filed 2–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Renewal of Centers of Biomedical Research Excellence (COBRE) (P20).

Date: March 4, 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, Bethesda, MD 20852.

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12M, Bethesda, MD 20892, 301–402–9448 *shinako.takada@nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Clinical Trials.

Date: March 8, 2016.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.12N, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12P, Bethesda, MD 20892, 301–594–3907, *pikbr@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Renewal of Centers of Biomedical Research Excellence (COBRE) (P20).

Date: March 9, 2016.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12K, Bethesda, MD 20892, 301–402–2783, *sidorova@nigms.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: April 4, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.12N, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12P, Bethesda, MD 20892, 301–594–3907, *pikbr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: *February 8, 2016.*

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–02850 Filed 2–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Standardized Rechargeable Electronic Nicotine Delivery System (8921).

Date: March 15, 2016.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 8, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–02848 Filed 2–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 on Drug Abuse Special Emphasis Panel, NIH Pathway to Independence Award (K99/R00).

Date: March 2, 2016.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, 301–435–1426, *mcguireso@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Identification of Genetic and Genomic Variants by Next-Gen Sequencing in Non-human Animal Models (U01).

Date: March 2, 2016.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, *ruizjf@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA Translational Avant-Garde Award for Development of Medication to Treat Substance Use Disorders (UG3/UH3).

Date: March 4, 2016.

Time: 8:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, *ruizjf@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Phase II in person interview: Avenir Award Program for Research on Substance Abuse and HIV/AIDS (DP2).

Date: March 8, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Phase II in person interview: Avenir Award Program for Genetics or Epigenetics of Substance Abuse (DP1).

Date: March 10, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Exploratory Studies of Smoking Cessation Interventions for People with Schizophrenia (R21/R33).

Date: March 11, 2016.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, *ruizjf@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Loan Repayment 2016.

Date: March 15, 2016.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA Research ''Center of Excellence'' Grant Program (P50).

Date: March 16, 2016.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jagadeesh S. Rao, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–443–9511, *jrao@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA Core Center of Excellence Grant Program (P30).

Date: March 17, 2016.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jagadeesh S. Rao, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National

Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–443–9511, *jrao@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 8, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–02849 Filed 2–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—C.

Date: March 7, 2016.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Mona R. Trempe, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–3998, *trempemo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 8, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–02851 Filed 2–11–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0017]

Policy Letter: Guidance for Training of Deck Officers on Vessels Subject to the International Code for Ships Operating in the Polar Waters

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability, in the docket, of a policy letter which provides voluntary guidance for the training of deck officers on vessels operating in polar waters. It recommends training measures that will achieve a higher level of safety for mariners working in this specialized polar environment. It is applicable to SOLAS vessels operating outside the boundary line and subject to the International Code for Ships Operating in Polar Waters (Polar Code). The draft policy letter and voluntary guidance would not apply to vessels on voyages that do not operate in areas subject to the Polar Code.

DATES: This policy letter is effective on February 12, 2016.

FOR FURTHER INFORMATION CONTACT: If you have questions about this document, contact Cathleen Mauro, Marine Personnel Qualifications Division (CG–OES–1), U.S. Coast Guard; telephone 202–372–1449, or *Cathleen.B.Mauro@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Viewing Materials in the Docket

The policy letter is available in the docket and can be viewed by going to *www.regulations.gov,* inserting USCG–2016–0017 in the ''Keyword'' box, and then clicking ''Search.''

Background and Purpose

Current shipping trends show an increase in the number of vessels regularly transiting remote polar areas. Vessels in polar waters experience unpredictable and poor weather conditions, degraded navigation tools, threats to operating equipment and increased stability concerns. In response to the challenges faced by these vessels and the concern for their safe operation, the International Maritime Organization (IMO) has adopted a mandatory code, the International Code for Ships Operating in Polar Waters, commonly referred to as the Polar Code. The Polar Code addresses safety and environmental requirements for vessels, as well as the level of training required for deck officers, and is expected to come into force on January 1, 2017.

In order to obtain input from U.S. stakeholders and to facilitate the development of the U.S. position at the IMO on the training requirements needed to support the Polar Code, the Merchant Marine Personnel Advisory Committee (MERPAC) chartered a working group in 2013 to address mariner training in support of the polar code. The working group developed a proposal that included the training competencies for U.S. mariners serving on ships operating in polar waters. The working group held multiple meetings and provided recommendations on minimum standards of competence, sea service, and recency requirements for polar training at the basic and advanced levels. The group also developed recommendations on how existing mariners with experience operating in polar waters would be grandfathered under the new requirements. MERPAC adopted the working group's recommendations, which provided the basis of the U.S. position regarding the relevant amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), 1978, as amended, and the Seafarers' Training, Certification and Watchkeeping Code (STCW Code). The STCW Convention and Code provide the international standards for seafarers.

Through the work of the IMO's Sub-committee on Human Element, Training and Watchkeeping (HTW), amendments to the STCW Convention and Code were developed to define the training requirements needed to support the implementation of the Polar Code. These amendments were approved by the Maritime Safety Committee on its Ninety Fifth Session (MSC 95), and are expected to be adopted by the IMO in July of 2016. The amendments are expected to enter into force on January 1, 2018.

Cognizant that there is a gap between the time the Polar Code enters into force on January 1, 2017 and the adoption of the amendments to the STCW Convention by IMO in July of 2016, the Coast Guard has developed a policy letter that recommends training guidelines for deck officers on vessels operating in polar waters. The Coast Guard is providing this guidance to

ensure there are sufficiently trained mariners by the time the Polar Code enters into force.

Discussion

Recognizing that the operation of ships sailing in polar waters calls for specific education, training, experience and related qualifications for officers, Resolution 11 of the 2010 amendments to the STCW Convention included non-mandatory guidance on training for deck and engineer officers serving on ships operating in polar waters. The guidance is contained in Section B–V/g of the STCW Code. The training requirements of the Polar Code, however, go beyond what is addressed in Section B–V/g of the STCW Code, by utilizing a risk-assessment to addresses the applicability of different levels of training required for deck officers engaged on ships operating in polar waters. Chapter 12 of The Polar Code identifies the level of training required for deck officers on ships subject to the Polar Code taking into account the type of vessel and the ice conditions in the operating area. The levels of training are either Basic or Advanced Training for Ships Operating in Polar Waters. The interim guidance in this policy is based upon the amendments to the STCW Convention and Code supporting the mandatory training requirements in Chapter 12 of the Polar Code.

The requirements to meet the standards of competence for Basic or Advanced Training for Ships Operating in Polar Waters are defined in the STCW amendments supporting the Polar Code. A mariner may satisfy the standard of competence for Basic or Advanced Training in Polar Code Operations by meeting the respective sea service and training requirements prescribed in Enclosure (1) of the Policy Letter.

By meeting the basic or advanced training standard required by the Polar Code, mariners are also meeting the familiarization requirements of 46 CFR 15.405, which states that each credentialed mariner must be familiar with the relevant characteristics of the vessel appropriate to his or her duties and responsibilities prior to assuming those duties and responsibilities. On board a seagoing vessel, this responsibility rests with both the mariner and the employer as set forth in 46 CFR 15.1105, which requires mariners subject to STCW to complete familiarization training before performing any duty or being assigned any responsibility unless they are familiar with those duties and responsibilities and with all of the vessel's arrangements, installations, equipment, procedures, and characteristics relevant to his or her routine and emergency duties or responsibilities.

If training regulations are published, training completed to meet the requirements described in the policy letter may be evaluated on a case by case basis, and considered to meet part of the transitional provisions of the training requirements for Basic or Advanced Polar Waters Operations.

Voluntary Policy

The guidance provided in this policy letter is voluntary, except where existing regulatory requirements are discussed. Although it may assist the industry, public, Coast Guard, and other Federal and State regulators in applying existing statutory and regulatory requirements, the policy letter and guidance it contains are not a substitute for applicable legal requirements nor are they regulations themselves. We note the ongoing work of the IMO in this area, in particular regarding training of personnel engaged in polar waters. Developments within this body will be taken into account during possible future revisions of the draft policy letter. During the course of local operations, each Coast Guard Captain of the Port (COTP) has discretionary authority on how best to address specific safety and security concerns within his or her area of responsibility consistent with 33 CFR 1.01–30. Nothing in the policy letter or the guidance it contains is meant to override or limit the discretion of the COTP when addressing the unique safety concerns of vessels operating in polar waters.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: February 8, 2016.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2016–02890 Filed 2–11–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, Llc, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 12, 2015.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on August 12, 2015. The next triennial inspection date will be scheduled for August 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 100–B Redoubt Rd., Yorktown, VA 23692, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determinations.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM): Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform

may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

CBPL No.	ASTM	Title
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter
27–04	D95 ...	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method
27–08	D86 ...	Standard Test Method for Distillation of Petroleum Products
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter
27–57	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products

Dated: February 5, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–02960 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, As a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 22, 2015.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on July 22, 2015. The next triennial inspection date will be scheduled for July 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 2947 Dutton Mill Rd., Suite A–1, Aston, PA 19014, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging
7	Temperature Determination
8	Sampling
9	Density Determinations
12	Calculations
17	Maritime Measurement

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border

Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 5, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–02951 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 29, 2015.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on July 29, 2015. The next triennial inspection date will be scheduled for July 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 1300 North Delaware St., Paulsboro, NJ 08066, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
1	Vocabulary
3	Tank Gauging
7	Temperature Determination
8	Sampling
11	Physical Properties
12	Calculations
17	Maritime Measurement

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.
Pending	D4377	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
Pending	D3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.
Pending	D2699	Octane Number of Spark-Ignition Engine Fuel.
Pending	D2700	Motor Octane Number of Spark-Ignition Engine Fuel.
Pending	D5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
Pending	D5769	Determination of Benzene, Toluene, and Total Aromatics in Finished Gasolines by Gas Chromatography/Mass Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 5, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–02954 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt LP as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 3, 2015.

DATES: *Effective Date:* The accreditation and approval of Saybolt LP as commercial gauger and laboratory became effective on June 3, 2015. The next triennial inspection date will be scheduled for June 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt LP, 201 Deerwood Glen Dr., Deer Park TX 77536, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Saybolt LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–50	ASTM D–93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–01	ASTM D–287	Standard test method for API gravity of crude petroleum and petroleum products (Hydrometer method).
27–02	ASTM D–1298	Standard practice for density, relative density (specific gravity), or API gravity of crude petroleum and liquid petroleum products by hydrometer method.
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–05	ASTM D–4928	Standard test method for water by Coulometric Karl Fischer Titration.
27–07	ASTM D–4807	Standard test method for sediment in crude oil by membrane filtration.
27–11	ASTM D–445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–14	ASTM D–2622	Standard test method for sulfur in petroleum and petroleum products by wavelength energy-dispersive X-Ray spectrometer.
27–46	ASTM D–5002	Standard test method for density and relative density of crude oils by digital density analyzer.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density analyzer.
27–53	ASTM D–2709	Standard test method for water & sediment in middle distillate fuels by centrifuge.
27–58	ASTM D–5191	Standard test method for vapor pressure of petroleum products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 5, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–02961 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1557]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before May 12, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1557, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 22, 2016.

Roy E. Wright,

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

I. Non-watershed-based studies:

Community	Community map repository address
Maricopa County, Arizona and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 15–09–0355S Preliminary Date: September 30, 2015	
Town of Wickenburg	Town Hall, 155 North Tegner Street, Suite A, Wickenburg, AZ 85390.
Unincorporated Areas of Maricopa County	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.

Community	Community map repository address
Santa Clara County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–09–2194S Preliminary Date: July 8, 2015	
City of Milpitas	Engineering Division, 455 East Calaveras Boulevard, Milpitas, CA 95035.
City of Mountain View	Public Works Department, 500 Castro Street, Mountain View, CA 94041.
City of Palo Alto	Public Works Engineering Department, 250 Hamilton Avenue, Palo Alto, CA 94301.
City of San Jose	Department of Public Works, 200 East Santa Clara Street, Tower -3rd Floor, San Jose, CA 95113.
City of Santa Clara	Planning and Inspection Department, 1500 Warburton Avenue, Santa Clara, CA 95050.
City of Sunnyvale	Department of Public Works, 456 West Olive Avenue, Sunnyvale, CA 94086.
Unincorporated Areas of Santa Clara County	Department of Planning and Development, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110.
Santa Cruz County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–09–0853S Preliminary Date: September 28, 2015	
City of Capitola	City Hall, 420 Capitola Avenue, Capitola, CA 95010.
City of Santa Cruz	City Hall, Planning Department: Permits, Building, Zoning, 809 Center Street, Room 206, Santa Cruz, CA 95060.
Unincorporated Areas of Santa Cruz County	County of Santa Cruz, Planning Department, 701 Ocean Street, 4th Floor, Santa Cruz, CA 95060.
Noble County, Indiana and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project:15–05–4783S Preliminary Date: September 18, 2015	
Unincorporated Areas of Noble County	Noble County South Complex, 2090 North State Road 9, Suite 2, Albion, IN 46701.
Olmsted County, Minnesota and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project:15–05–5175S Preliminary Date: September 14, 2015	
City of Eyota	City Hall, 38 South Front Street Southwest, Eyota, MN 55934.
City of Pine Island	City Hall, 250 South Main Street, Pine Island, MN 55963.

[FR Doc. 2016–02912 Filed 2–11–16; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0001]

Notice of Adjustment of Statewide Per Capita Indicator for Recommending a Cost Share Adjustment

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita indicator for recommending cost share adjustments for major disasters declared on or after January 1, 2016, through December 31, 2016, is $137.

DATES: This notice applies to major disasters declared on or after January 1, 2016.

FOR FURTHER INFORMATION CONTACT: William Roche, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: Pursuant to 44 CFR 206.47, the statewide per capita indicator that is used to recommend an increase of the Federal cost share from seventy-five percent (75%) to not more than ninety percent (90%) of the eligible cost of permanent work under section 406 and emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is adjusted annually. The adjustment to the indicator is based on the Consumer Price Index for All Urban Consumers published annually by the U.S. Department of Labor. For disasters declared on January 1, 2016, through December 31, 2016, the qualifying indicator is $137 per capita of state population.

This adjustment is based on an increase of 0.7 percent in the Consumer Price Index for All Urban Consumers for the 12-month period that ended December 2015. The Bureau of Labor

Statistics of the U.S. Department of Labor released the information on January 20, 2016.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–02908 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 22, 2016.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–1537).	City of Goodyear (15–09–0312P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	City Hall, 190 North Litchfield Road, Goodyear, AZ 85338.	Dec. 4, 2015	040046
Maricopa (FEMA Docket No.: B–1537).	Unincorporated areas of Maricopa County (15–09–0312P).	The Honorable Steve Chucri, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Dec. 4, 2015	040037
Maricopa (FEMA Docket No.: B–1537).	City of Chandler (15–09–0578P).	The Honorable Jay Tibshraeny, Mayor, City of Chandler, 175 South Arizona Avenue, Chandler, AZ 85225.	Public Works Department, 215 East Buffalo Street, Chandler, AZ 85244.	Oct. 9, 2015	040040
Maricopa (FEMA Docket No.: B–1537).	Town of Gilbert (15–09–0578P).	The Honorable John Lewis, Mayor, Town of Gilbert, 50 East Civic Center Drive, Gilbert, AZ 85296.	Municipal Center, 50 East Civic Center Drive, Gilbert, AZ 85296.	Oct. 9, 2015	040044

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Maricopa (FEMA Docket No.: B–1537).	Unincorporated areas of Maricopa County (15–09–0578P).	The Honorable Denny Barney, District 1 Supervisor, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District, Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Oct. 9, 2015	040037
Maricopa (FEMA Docket No.: B–1552).	City of Peoria (15–09–1335P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 W. Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Dec. 11, 2015	040050
Pima (FEMA Docket No.: B–1519).	Unincorporated areas of Pima County (15–09–0406P).	The Honorable Sharon Bronson, Chair, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 97 East Congress Street, 3rd Floor, Tucson, AZ 85701.	Aug. 19, 2015	040073
Pima (FEMA Docket No.: B–1537).	City of Tucson (15–09–0584P).	The Honorable Jonathan Rothschild, Mayor, City of Tucson, City Hall, 255 W. Alameda Street, Tucson, AZ 85701.	Planning and Development Services, 201 North Stone Avenue, 1st Floor, Tucson, AZ 85701.	Nov. 13, 2015	040076
Pinal (FEMA Docket No.: B–1519).	City of Maricopa (15–09–0819P).	The Honorable Christian Price, Mayor, City of Maricopa, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	City Hall, 45145 West Madison Avenue, Maricopa, AZ 85139.	Aug. 21, 2015	040052
Yavapai (FEMA Docket No.: B–1519).	City of Cottonwood (14–09–4202P).	The Honorable Diane Joens, Mayor, City of Cottonwood, 827 North Main Street, Cottonwood, AZ 86326.	Public Works Department, 1490 West Mingus Avenue, Cottonwood, AZ 86326.	Aug. 20, 2015	040096
California:					
Alameda (FEMA Docket No.: B–1552).	City of Alameda (15–09–1763X).	The Honorable Trish Herrera Spencer, Mayor, City of Alameda, City Hall, 2263 Santa Clara Avenue, Alameda, CA 94501.	950 West Mall Square, Alameda, CA 94501.	Dec. 11, 2015	060002
Los Angeles (FEMA Docket No.: B–1537).	City of Burbank (15–09–0591P).	The Honorable Bob Frutos, Mayor, City of Burbank, 275 East Olive Avenue, Burbank, CA 91502.	Public Works Department, 275 East Olive Avenue, Burbank, CA 91502.	Dec. 10, 2015	065018
Placer (FEMA Docket No.: B–1519).	City of Rocklin (15–09–0659P).	The Honorable George Magnuson, Mayor, City of Rocklin, 3970 Rocklin Road, Rocklin, CA 95677.	Engineering Division, 4081 Alvis Court, Rocklin, CA 95677.	Aug. 21, 2015	060242
Riverside (FEMA Docket No.: B–1519).	City of Murrieta (15–09–1205P).	The Honorable Harry Ramos, Mayor, City of Murrieta, 1 Town Square, Murrieta, CA 92562.	Department of Public Works and Engineering, 1 Town Square, Murrieta, CA 92562.	Aug. 19, 2015	060751
Sacramento (FEMA Docket No.: B–1537).	City of Citrus Heights (15–09–1345P).	The Honorable Sue Frost, Mayor, City of Citrus Heights, 6237 Fountain Square Drive, Citrus Heights, CA 95621.	General Services Department, Engineering Division, 6237 Fountain Square Drive, Citrus Heights, CA 95621.	Oct. 22, 2015	060765
San Bernardino (FEMA Docket No.: B–1519).	City of San Bernardino (14–09–2935P).	The Honorable R. Carey Davis, Mayor, City of San Bernardino, 300 North D Street, 6th Floor, San Bernardino, CA 92418.	Water Department, 399 Chandler Place, San Bernardino, CA 92408.	Aug. 24, 2015	060281
San Diego (FEMA Docket No.: B–1537).	City of Santee (15–09–0699P).	The Honorable Randy Voepel, Mayor, City of Santee, 10601 Magnolia Avenue, Santee, CA 92071.	City Hall, 10601 Magnolia Avenue, Santee, CA 92071.	Nov. 20, 2015	060703
San Diego (FEMA Docket No.: B–1519).	Unincorporated areas of San Diego County (14–09–4066P).	The Honorable Bill Horn, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	Aug. 21, 2015	060284
Santa Clara (FEMA Docket No.: B–1552).	City of Morgan Hill (15–09–1137P).	The Honorable Steve Tate, Mayor, City of Morgan Hill, 17555 Peak Avenue, Morgan Hill, CA 95037.	Public Works Department, 17555 Peak Avenue, Morgan Hill, CA 95037.	Dec. 14, 2015	060346
Ventura (FEMA Docket No.: B–1537).	City of Simi Valley (15–09–1169P).	The Honorable Bob Huber, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	Public Works Department, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	Oct. 19, 2015	060421
Nevada:					
Clark (FEMA Docket No.: B–1519).	City of Henderson (15–09–0701P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, 240 Water Street, Henderson, NV 89015.	Public Works Department, 240 Water Street, Henderson, NV 89015.	Aug. 24, 2015	320005
Clark (FEMA Docket No.: B–1519).	City of Henderson (15–09–0720P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, 240 Water Street, Henderson, NV 89015.	Public Works Department, 240 Water Street, Henderson, NV 89015.	Aug. 24, 2015	320005
Clark (FEMA Docket No.: B–1537).	City of Henderson (15–09–0952P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, 240 Water Street, Henderson, NV 89015.	Public Works Department, 240 Water Street, Henderson, NV 89015.	Dec. 10, 2015	320005
Clark (FEMA Docket No.: B–1519).	Unincorporated areas of Clark County (15–09–0720P).	The Honorable Steve Sisolak, Chairman, Clark County Board of Commissioners, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89155.	Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	Aug. 24, 2015	320003
Clark (FEMA Docket No.: B–1537).	Unincorporated areas of Clark County (15–09–1082P).	The Honorable Steve Sisolak, Chairman, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	Oct. 14, 2015	320003

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Clark (FEMA Docket No.: B–1519).	Unincorporated areas of Clark County (15–09–1167P).	The Honorable Steve Sisolak, Chairman, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	Dec. 3, 2015	320003

[FR Doc. 2016–02909 Filed 2–11–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1551]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before May 12, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1551, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472 (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 22, 2016.

Roy E. Wright,

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

I. Watershed-based studies:

Community	Community map repository address
Middle Chattahoochee-Lake Harding Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Carroll County, Georgia, and Incorporated Areas	
City of Whitesburg	City Hall, 788 Main Street, Whitesburg, GA 30185.
Unincorporated Areas of Carroll County	Carroll County Administration Building, Community Development Office, 423 College Street, Carrollton, GA 30117.
Columbus Consolidated Government, Georgia	
Columbus Consolidated Government	Department of Engineering, Storm Water Division, 420 Tenth Street, 2nd Floor, Columbus, GA 31901.
Harris County, Georgia, and Incorporated Areas	
Unincorporated Areas of Harris County	Harris County Commissioners' Office, 104 North College Street, Hamilton, GA 31811.
Heard County, Georgia, and Incorporated Areas	
City of Franklin	City Hall, 118 Davis Street, Franklin, GA 30217.
Unincorporated Areas of Heard County	Heard County Building and Zoning Department, 215 East Court Square, Room 19, Franklin, GA 30217.
Troup County, Georgia, and Incorporated Areas	
City of LaGrange	City Hall, 200 Ridley Avenue, LaGrange, GA 30240.
City of West Point	City Hall, 730 First Avenue, West Point, GA 31833.
Unincorporated Areas of Troup County	Troup County Government Center, 100 Ridley Avenue, LaGrange, GA 30240.
Upper Ocmulgee Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* Butts County, Georgia, and Incorporated Areas	
City of Flovilla	Butts County Community Services Department, 625 West Third Street, Suite Three, Jackson, GA 30233.
City of Jackson	Butts County Community Services Department, 625 West Third Street, Suite Three, Jackson, GA 30233.
City of Jenkinsburg	Butts County Community Services Department, 625 West Third Street, Suite Three, Jackson, GA 30233.
Unincorporated Areas of Butts County	Butts County Community Services Department, 625 West Third Street, Suite Three, Jackson, GA 30233.
Jasper County, Georgia, and Incorporated Areas	
Unincorporated Areas of Jasper County	Jasper County Courthouse, Planning and Zoning Department, 126 West Greene Street, Suite 17, Monticello, GA 31064.
Jones County, Georgia, and Incorporated Areas	
City of Gray	Jones County Planning and Zoning Department, 166 Industrial Boulevard, Gray, GA 31032.
Unincorporated Areas of Jones County	Jones County Planning and Zoning Department, 166 Industrial Boulevard, Gray, GA 31032.
Macon-Bibb County, Georgia (Consolidated Government)	
Macon-Bibb County (Consolidated Government)	Macon-Bibb County Engineer's Office, 780 Third Street, Macon, GA 31201.
Monroe County, Georgia, and Incorporated Areas	
City of Forsyth	City Hall, 26 North Jackson Street, Forsyth, GA 31029.
Unincorporated Areas of Monroe County	Board of Commissioners' Building, 38 West Main Street, Forsyth, GA 31029.
Spalding County, Georgia, and Incorporated Areas	
City of Griffin	City Hall, 100 South Hill Street, Griffin, GA 30224.
City of Orchard Hill	Orchard Hill City Hall, 2972 Macon Road, Griffin, GA 30224.
Unincorporated Areas of Spalding County	Spalding County Community Development Center, 119 East Solomon Street, Suite 203, Griffin, GA 30223.

II. Non-watershed-based studies:

Community	Community map repository address
Jackson County, Arkansas, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–06–1860S Preliminary Dates: February 3, 2010 and October 31, 2014	
City of Amagon	City Hall, 209 Amagon Avenue, Amagon, AR 72005.
City of Campbell Station	Campbell Station City Hall, 5005 Keeter Circle, Tuckerman, AR 72473.
City of Diaz	City Hall, 3401 South Main Street, Diaz, AR 72043.
City of Newport	City Hall, 615 Third Street, Newport, AR 72112.
City of Swifton	City Hall, 101 Highway 67, Swifton, AR 72471.
City of Tuckerman	City Hall, 200 West Main Street, Tuckerman, AR 72473.
City of Tupelo	City Hall and Community Building, 32 Pecan Circle, Tupelo, AR 72169.
Town of Beedeville	Town Hall, 121 McFaddin Street, Beedeville, AR 72014.
Town of Grubbs	Town Hall, 420 North Main Street, Grubbs, AR 72431.
Town of Jacksonport	Town Hall, 304 Avenue Street, Jacksonport, AR 72075.
Town of Weldon	Fire Station, 1125 Highway 17 South, Weldon, AR 72112.
Unincorporated Areas of Jackson County	Jackson County Office of Emergency Management, 3405 South Main Street, Diaz, AR 72043.
Harris County, Texas, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–06–0896S Preliminary Date: July 29, 2015	
City of Houston	Floodplain Management Office, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.
Unincorporated Areas of Harris County	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.

[FR Doc. 2016–02911 Filed 2–11–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4245–DR; Docket ID FEMA–2016–0001]

Texas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4245–DR), dated November 25, 2015, and related determinations.

DATES: *Effective Date:* January 29, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of November 25, 2015.

Smith County for Public Assistance

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–02907 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0070]

Infrastructure Protection Gateway Facility Surveys

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-day notice and request for comments; New Information Collection Request: 1670–NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), Infrastructure Information Collection Division (IICD), Infrastructure Protection Gateway Program will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until March 14, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/IP/IICD, 245 Murray Lane SW., Mail Stop 0602, Washington, DC

20528–0612. Emailed requests should go to Kimberly Sass, *Kimberly.Sass@hq.dhs.gov.* Comments must be identified by ''DHS–2015–0070''and may be submitted by *one* of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov.*

• Email: Include the docket number in the subject line of the message.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: Kimberly Sass, DHS/NPPD/IP/IICD, or *Kimberly.sass@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Originally under the direction of Homeland Security Presidential Directive-7 (HSPD–7) (2003) and now under the authority of Presidential Policy Directive 21 (PPD–21) (2013), DHS/NPPD/IP has developed the IP Gateway—a centrally managed repository of infrastructure capabilities allowing the Critical Infrastructure (CI) community to work in conjunction with each other toward the same goals. This collection involves the standardized recording, via a series of web-based forms, of a significant amount of information assembled during voluntary physical facility review surveys. The survey is used to analyze risks and vulnerabilities to a facility and how they can mitigate risks and vulnerabilities. Questions focus on whether specific sets of controls and operational best practices are planned, defined, implemented, measured, managed, and assessed on a regular basis across all aspects of facility use and operation. Surveys are usually completed by government personnel, but can be performed by individual site owners as well.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Information Collection Division, Infrastructure Protection Gateway Program.

Title: Infrastructure Protection (IP) Gateway Facility Surveys.

OMB Number: 1670–NEW.

Frequency: Annually, quarterly, and monthly.

Affected Public: Chief Information Officers, Chief Information Security Officers, Chief Technology Officers, and Federal and State, local, tribal and territorial communities involved in the protection of CI.

Number of Respondents: 2,915 respondents (estimate).

Estimated Time per Respondent: 7.5 hours (estimate).

Total Burden Hours: 21,863 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $1,168,795.98 (estimate).

Dated: February 8, 2016.

David Epperson,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2016–02871 Filed 2–11–16; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0107]

Agency Information Collection Activities: H–2 Petitioner's Employment Related or Fee Related Notification, No Form; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on September 22, 2015, at 80 FR 57201, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 14, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806 (This is not a toll-free number). All submissions received must include the agency name and the OMB Control Number 1615–0107.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0015 in the search box.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) 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 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* H–2 Petitioner's Employment Related or Fee Related Notification.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Form; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. The notification requirement is necessary to ensure that alien workers maintain their nonimmigrant status and will help prevent H–2 workers from engaging in unauthorized employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection H–2 Petitioner's Employment Related or Fee Related Notification is 1,700 and the estimated hour burden per response is .5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 850 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $8,500.

Dated: February 2, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–02363 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0015]

Agency Information Collection Activities: Immigrant Petition for Alien Worker, Form I–140; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on August 17, 2015, at 80 FR 49262, allowing for a 60-day public comment period. USCIS did receive four public comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 14, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806 (This is not a toll-free number). All submissions received must include the agency name and the OMB Control Number 1615–0015.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0018 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) 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 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Immigrant Petition for Alien Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–140; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief*

abstract: Primary: Business or other for-profit. The information furnished on Form I–140 will be used by USCIS to classify aliens under sections 203(b)(1), 203(b)(2) or 203(b)(3) of the Immigration and Nationality Act (Act).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–140 is 77,149 and the estimated hour burden per response is 1.08 hours (1 hour and 5 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 83,321 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $32,132,559.

Dated: February 9, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–02915 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0111]

Agency Information Collection Activities: Petition for CNMI-Only Nonimmigrant Transitional Worker, Form I–129CW; Extension, Without Change, of a Currently Approved Collection.

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on September 10, 2015, at 80 FR 54574, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 14, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806 (This is not a toll-free number). All submissions received must include the agency name and the OMB Control Number 1615–0111.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2012–0011 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) 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 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for CNMI-Only Nonimmigrant Transitional Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129CW; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; or State, local or Tribal Government. USCIS uses the data collected on this form to determine eligibility for the requested immigration benefits. An employer uses this form to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CNMI-Only Transitional Worker (CW–1). An employer also uses this form to request an extension of stay or change of status on behalf of the alien worker. The form serves the purpose of standardizing requests for these benefits, and ensuring that the basic information required to determine eligibility, is provided by the petitioners.

Secondary: Individuals or Households. USCIS collects biometrics from aliens present in the CNMI at the time of requesting initial grant of CW–1 status. The information is used to verify the alien's identity, background information and ultimately adjudicate their request for CW–1 status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–129CW is 18,000 (6,000 respondents from Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; or State, local or Tribal Government and the estimated hour burden per response is 3 hours;

12,000 respondents from Individuals or Households and the estimated hour burden per response is 1.17 hours).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 38,160 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,205,000.

Dated: February 9, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–02942 Filed 2–11–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5696–N–18]

Additional Clarifying Guidance, Waivers and Alternative Requirements for Grantees in Receipt of Community Development Block Grant Disaster Recovery Funds Under Public Law 113–2 for the Submission of Expenditure Deadline Extension Requests and Urgent Need Certification Extensions and for the Provision of Interim Mortgage Assistance by the State of New York

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice provides additional clarifying guidance for all Community Development Block Grant Disaster Recovery (CDBG–DR) grantees in receipt of funds under the Disaster Relief Appropriations Act, 2013 (the Appropriations Act), with regard to the submission of requests for an extension of the 2-year expenditure deadline established for funds provided under the Appropriations Act and the continued use of the alternative urgent need national objective. This notice also provides an alternative requirement for New York State as a grantee in receipt of CDBG–DR funds under the Appropriations Act. This alternative requirement addresses the period of time in which interim mortgage assistance may be provided to beneficiaries in the State's housing recovery programs.

DATES: Effective Date: *February 17, 2016.*

FOR FURTHER INFORMATION CONTACT: Stanley Gimont, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW., Room 7286, Washington, DC 20410, telephone number 202–708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Facsimile inquiries may be sent to Mr. Gimont at 202–401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.) Email inquiries may be sent to *disaster_recovery@hud.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background
II. Applicable Rules, Statutes, Waivers, and Alternative Requirements
III. Catalog of Federal Domestic Assistance
IV. Finding of No Significant Impact

I. Background

The Appropriations Act (Pub. L. 113–2, approved January 29, 2013) made available $16 billion in CDBG–DR funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas, resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et. seq.*) (Stafford Act) due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013. On March 1, 2013, the President issued a sequestration order pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (2 U.S.C. 901a), and reduced the amount of funding for CDBG–DR grants under the Appropriations Act to $15.18 billion. To date, a total of $15.18 billion has been allocated or set aside: $13 billion in response to Hurricane Sandy, $514 million in response to disasters occurring in 2011 or 2012, $655 million in response to 2013 disasters, and $1 billion set aside for the National Disaster Resilience Competition.

This notice applies to all CDBG–DR grantees in receipt of allocations under the Appropriations Act, which are described within the **Federal Register** notices published by the Department on March 5, 2013 (78 FR 14329), April 19, 2013 (78 FR 23578), May 29, 2013 (78 FR 32262), August 2, 2013 (78 FR 46999), November 18, 2013 (78 FR 69104), December 16, 2013 (78 FR 76154), March 27, 2014 (79 FR 17173), June 3, 2014 (79 FR 31964), July 11, 2014 (79 FR 40133), October 7, 2014 (79 FR 60490), October 16, 2014 (79 FR 62182), January 8, 2015 (80 FR 1039), April 2, 2015 (80 FR 17772), May 11, 2015 (80 FR 26942), August 25, 2015 (80 FR 51589), and November 18, 2015 (80 FR 72102), referred to collectively in this notice as the ''prior notices.'' The requirements of the prior notices continue to apply, except as modified by this notice.[1]

II. Applicable Rules (Including Clarifying Guidance), Statutes, Waivers, and Alternative Requirements

The Appropriations Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with HUD's obligation, or use by the recipient, of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements are based upon a determination by the Secretary that good cause exists and that the waiver or alternative requirement is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCD Act). Regulatory waiver authority is also provided by 24 CFR 5.110, 91.600, and 570.5.

For the waivers and alternative requirements described in this notice, the Secretary has determined that good cause exists and that the waiver and alternative requirements are not inconsistent with the overall purpose of the HCD Act. Grantees may request waivers and alternative requirements from the Department as needed to address specific needs related to their recovery activities. Under the requirements of the Appropriations Act, waivers must be published in the **Federal Register** at least 5 days before the effective date of such waiver.

1. *Timeline for the submission of expenditure deadline extension requests.* The Appropriations Act requires the Department to obligate all funds provided under the Appropriations Act by September 30, 2017, and requires grantees to expend funds within 24-months of the date on which the Department obligates funds to a grantee. The Appropriations Act also authorizes the Office of Management and Budget (OMB) to grant waivers of the 24-month expenditure deadline.

[1] Links to the prior notices, the text of the Appropriations Act, and additional guidance prepared by the Department for CDBG–DR grants, are available on the HUD Exchange Web site: *https://www.hudexchange.info/cdbg-dr/cdbg-dr-laws-regulations-and-federal-register-notices/.*

OMB authorized the Department to provide CDBG–DR grantees with expenditure deadline extensions for activities that are inherently long-term and where it would be impracticable to expend funds within the 24-month period and still achieve program missions, up to amounts approved by OMB. In the **Federal Register** notice published on May 11, 2015, (80 FR 26942), the Department established the process and criteria for the submission of expenditure deadline extension requests for CDBG–DR grantees in receipt of funds under the Appropriations Act. The May 11, 2015, notice requires these grantees to submit requests for the extension of an expenditure deadline at least 120 calendar days in advance of the expenditure deadline (80 FR 26944). Since the May 11, 2015, notice was published, the Department subsequently received, reviewed, and acted upon expenditure deadline extension requests from a number of CDBG–DR grantees in receipt of funds under the Appropriations Act. In some instances, the Department observed that events and circumstances beyond the control of the grantee may require grantees to request an extension of an expenditure deadline after the 120-calendar-day deadline has passed. The Department is therefore amending this requirement of the May 11, 2015, notice to provide that a grantee ''submits the completed CDBG–DR Expenditure Deadline Extension Request template and any attachments to HUD in order to request consideration of the extension request at least 120 calendar days in advance of the expenditure deadline on the funds (or 60 days for funds expiring in calendar year 2015). HUD may, however, also accept requests from CDBG–DR grantees for the extension of an expenditure deadline *less than* 120 calendar days in advance of the deadline upon receipt of a letter from the chief executive officer of the grantee requesting the extension and a demonstration by the grantee that the request is required in order to achieve program missions. Grantees are advised however, that time constraints may not permit HUD to act upon requests that are received in close proximity to an expenditure deadline.''

2. *Urgent need national objective certification requirements.* The March 5, 2013, notice (78 FR 14329) provided grantees receiving funds under the Appropriations Act with a waiver of the certification requirements for the documentation of the urgent need national objective, located at §§ 570.208(c) and 570.483(d), until 2 years after the date the Department obligates funds to a grantee. The May 11, 2015, notice allowed grantees seeking a waiver of an expenditure deadline to simultaneously seek an extension of the urgent need certification waiver. The extension of the urgent need certification waiver, however, is currently only effective after its publication in the **Federal Register**. This approach presents challenges for CDBG–DR grantees who receive an extension of an expenditure deadline for an activity associated with the urgent need certification, with the extended expenditure deadline in effect but with the urgent need certification waiver still requiring publication in the **Federal Register**.

To accommodate the timely expenditure of funds, HUD is modifying the temporary, streamlined urgent need waiver and alternative requirement in paragraph VI.A.1.f. of the March 5, 2013, notice (78 FR 14336). This waiver and alternative requirement supersedes the information published in the May 11, 2015, notice and will allow grantees to more effectively implement urgent recovery activities by aligning the applicable urgent need national objective criteria with the expenditure deadline on the use of funds. The March 5, 2013, notice is modified to add the following alternative requirement for grantees that receive an extension of the expenditure deadline: For activities designed to respond to a disaster-related impact that poses a serious and immediate threat to the health or welfare of the community, the grantee may continue to use the urgent need national objective until the end of the new expenditure deadline if the grantee meets the following requirements from the March 5, 2013, notice: (1) Before seeking the expenditure deadline extension, the grantee must reference in its Action Plan the type, scale, and location of the disaster-related impacts addressed by each program and/or activity that will meet the urgent need national objective; (2) before seeking the expenditure deadline extension, the grantee must identify these disaster related impacts in its Action Plan needs assessment; (3) the needs assessment must be updated as new or more detailed/accurate disaster-related impacts are known; and (4) the grantee must document how all programs and/or activities funded under the urgent need national objective respond to a disaster-related impact identified by the grantee.

3. *Alternative requirement to permit extended time for the provision of interim mortgage assistance (State of New York only).* In the **Federal Register** notice published on March 5, 2013, the Department established an alternative requirement to 42 U.S.C. 5305(a)(8) to extend the authority of grantees under the Appropriations Act to provide interim mortgage assistance to qualified individuals from 3 months to up to 20 months (78 FR 14345). A grantee using this alternative requirement is required to document in its policies and procedures how it will determine the amount of assistance to be provided is necessary and reasonable. The State of New York has requested a modification of the 20-month limitation on the provision of interim mortgage assistance to authorize the assistance for a period of up to 36 months.

Under the State's existing Interim Mortgage Assistance (IMA) program, financial assistance is available to eligible applicants to the NY Rising Housing Recovery Program who demonstrate financial difficulty in paying their mortgage due to additional housing expenses incurred as a result of their primary residence no longer being habitable. Interim mortgage assistance may be provided for past, current, and future debt obligations of the mortgage, capped at $3,000 per month for a maximum of 20 months or $60,000.

On November 15, 2013, the Department approved Amendment 4 to the State's disaster recovery Action Plan to allocate $80,000,000 to the initial State IMA program. On May 27, 2014, the Department approved Amendment 6 to the State's disaster recovery Action Plan to modify the calculation of the IMA grant award based on a participant's monthly mortgage amount for their primary residence and proof of an additional housing payment. On April 13, 2014, the Department approved Amendment 8 to the State's disaster recovery Action Plan to enable the State to calculate partial IMA grant awards that reflect rental housing expenses incurred by participants while displaced, less any rental assistance received from insurance or government agencies.

At the time the State submitted a request for a modification of the alternative requirement, 454 program participants were receiving IMA assistance and approximately 25 percent of those participants were low- and moderate-income households. In its request for a modification of the alternative requirement, the State indicated that in the absence of additional time to provide assistance, 287 IMA recipients would no longer qualify for IMA funds within the succeeding 12 months and that 26 percent of those recipients were low- and moderate-income households. In its

request to provide IMA payments for a period of up to 36 months, the State cited a number of unanticipated developments that contributed to delays in the completion of assisted housing projects. Most notably, the State pointed to the prospect of increased National Flood Insurance Program (NFIP) claim payments to NY Rising program participants as a result of fraudulent damage assessments conducted on behalf of the NFIP in the immediate aftermath of the disaster. The State indicated that uncertainty surrounding these payments, and the potential impact of the payments on the amount of CDBG–DR funds ultimately available to the homeowner, contributed to delays and supports an extended period of availability for IMA. Other factors cited by the State as contributing to the need for extended IMA are the limited pool of contractors experienced in undertaking the elevation of homes and the shorter Northeastern United States construction season. The State further noted that its own clarification process, through which applicants may appeal the ultimate amount of their CDBG–DR award, can also slow progress in completing repairs and contribute to the need for additional IMA.

The State proposed to implement the extended period for IMA by initially maintaining the current 20 months of assistance for IMA participants. At the end of the 20-month period of assistance, the State may subsequently determine a need for an additional 16 months of IMA, for a total not to exceed 36 months of assistance. When a need for an extension of IMA is identified, the State will conduct an inspection of the property to determine if substantial construction progress has been made. If substantial construction progress has been made, the State may provide IMA for the additional authorized period of time, for a total period of assistance up to 36 months. If the inspection indicates that substantial progress has not been made, the extension of IMA will be provided only when the recipient agrees to participate in the newly established construction program within the NY Rising Housing Recovery Program. Under the construction program, the State will contract for and manage, on behalf of the IMA recipient, the rehabilitation of the IMA recipient's home. Prior to its initial implementation of the construction program, the State will determine the need for the IMA extension in those instances where substantial construction progress has not occurred and will give priority to the rehabilitation of homes for those IMA recipients receiving a total up to 36 months of IMA.

After reviewing the State's request, and for the State of New York's IMA program only, the Department is modifying the provision of the March 5, 2013, **Federal Register** notice that limits the provision of interim mortgage assistance to a period of 20 months and establishing an alternative requirement that allows for the payment of assistance for a period of up to 36 months if the State meets the other requirements described in the above paragraph. The goal of this alternative requirement is to provide an extended period of IMA in order to minimize the risk of foreclosure of storm damaged homes while they are being rehabilitated with CDBG–DR funds and to return IMA recipients to their rehabilitated homes as quickly as possible. The State must implement this alternative requirement consistent with the approach outlined in its request and as described herein. This waiver and alternative requirement shall remain in effect until December 31, 2017, after which the State shall be authorized to offer interim mortgage assistance for a period no more than 20 months. Interim mortgage assistance is an authorized eligible public service activity and the State is reminded that IMA expenditures are subject to the 15 percent cap on public services established pursuant to 42 U.S.C. 5305(a)(8).

Within 30 days of the effective date of this notice, the State must begin to implement its construction program for IMA recipients receiving an extended period of assistance and without substantial construction progress in the rehabilitation of their home. The State must have fully implemented the construction program for all IMA recipients within 6 months of the effective date of this notice. In addition, the State's policies and procedures must:

(1) Document how the State will determine that ''substantial progress'' has or has not been made in the rehabilitation of an IMA recipient's home;

(2) Document how the State will determine that the amount and period of assistance to be provided under this alternative requirement is necessary and reasonable;

(3) Document how the State will prioritize the rehabilitation of homes of IMA recipients receiving a total up to 36 months of IMA;

(4) Include internal controls designed to ensure that IMA provided to recipients is being used for its authorized purpose; and

(5) Include a plan for assisting recipients that exhaust their IMA after 36 months but continue to have a need for assistance because the rehabilitation of their home has not been completed.

III. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the disaster recovery grants under this notice is 14.269.

IV. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

Dated: February 8, 2016.

Nani A. Coloretti,

Deputy Secretary.

[FR Doc. 2016–02913 Filed 2–11–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5927–N–01]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Administration under the provisions of the National Housing Act (the Act). The interest rate for debentures issued under section 221(g)(4) of the Act during the 6-month period beginning January 1, 2016, is 2¼

percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning January 1, 2016, is 2⅞ percent. However, as a result of an amendment to section 224 of the Act, if an insurance claim relating to a mortgage insured under sections 203 or 234 of the Act and endorsed for insurance after January 23, 2004, is paid in cash, the debenture interest rate for purposes of calculating a claim shall be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years.

FOR FURTHER INFORMATION CONTACT: Yong Sun, Department of Housing and Urban Development, 451 Seventh Street SW., Room 5148, Washington, DC 20410–8000; telephone (202) 402–4778 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (12 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. These regulatory provisions state that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of section 224, that the statutory maximum interest rate for the period beginning January 1, 2016, is 2⅞ percent; and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 2⅞ percent for the 6-month period beginning January 1, 2016. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4)) with insurance commitment or endorsement date (as applicable) within the first 6 months of 2016.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	On or after	Prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1. 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5⅞	July 1, 2001	Jan. 1, 2002.
5¼	Jan. 1, 2002	July 1, 2002.
5¾	July 1, 2002	Jan. 1, 2003.
5	Jan. 1, 2003	July 1, 2003.
4½	July 1, 2003	Jan. 1, 2004.
5⅛	Jan. 1, 2004	July 1, 2004.
5½	July 1, 2004	Jan. 1, 2005.
4⅞	Jan. 1, 2005	July 1, 2005.
4½	July 1, 2005	Jan. 1, 2006.
4⅞	Jan. 1, 2006	July 1, 2006.
5⅜	July 1, 2006	Jan. 1, 2007.
4¾	Jan. 1, 2007	July 1, 2007.
5	July 1, 2007	Jan. 1, 2008.
4½	Jan. 1, 2008	July 1, 2008.
4⅝	July 1, 2008	Jan. 1, 2009.
4⅛	Jan. 1, 2009	July 1, 2009.
4⅛	July 1, 2009	Jan. 1, 2010.
4¼	Jan. 1, 2010	July 1, 2010.
4⅛	July 1, 2010	Jan. 1, 2011.
3⅞	Jan. 1, 2011	July 1, 2011.
4⅛	July 1, 2011	Jan. 1, 2012.
2⅞	Jan. 1, 2012	July 1, 2012.
2¾	July 1, 2012	Jan. 1, 2013.
2½	Jan. 1, 2013	July 1, 2013.
2⅞	July 1, 2013	Jan. 1, 2014.
3⅝	Jan. 1, 2014	July 1, 2014.
3¼	July 1, 2014	Jan. 1, 2015.
3	Jan. 1, 2015	July 1, 2015.
2⅞	July 1, 2015	Jan. 1, 2016.
2⅞	Jan. 1, 2016	July 1, 2016.

Section 215 of Division G, Title II of Public Law 108–199, enacted January 23, 2004 (HUD's 2004 Appropriations Act) amended section 224 of the Act, to change the debenture interest rate for purposes of calculating certain insurance claim payments made in cash. Therefore, for all claims paid in cash on mortgages insured under section 203 or 234 of the National Housing Act and endorsed for insurance after January 23, 2004, the debenture interest rate will be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years, as found in Federal Reserve Statistical Release H–15. The Federal Housing Administration has codified this provision in HUD regulations at 24 CFR 203.405(b) and 24 CFR 203.479(b).

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.255 and 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to section 221(g)(4) during the 6-month period beginning January 1, 2016, is 2¼ percent.

The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

Authority: Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: January 21, 2016.

Edward Golding,

Principal Deputy Assistant Secretary for Housing.

[FR Doc. 2016–02870 Filed 2–11–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2015–N225; FXES11130100000C4–167–FF01E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 76 Species in Hawaii, Oregon, Washington, Montana, and Idaho

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews for 76 species in Hawaii, Oregon, Washington, Montana, and Idaho under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review.

DATES: To ensure consideration in our reviews, we are requesting submission of new information no later than April 12, 2016. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: For the 67 species in Hawaii (see table below), submit information via U.S. mail to: Deputy Field Supervisor—Programmatic; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Pacific Islands Fish and Wildlife Office; 300 Ala Moana Blvd., Room 3–122, Box 50088; Honolulu, HI 96850.

For the Warner sucker, Willamette daisy, Kincaid's lupine, and rough popcornflower, submit information via U.S. mail to: Field Supervisor; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Oregon Fish and Wildlife Office; 2600 SE 98th Ave., Suite 100; Portland, OR 97266.

For the northern Idaho ground squirrel, Bruneau Hot springsnail, Bliss Rapids, snail, Banbury Springs limpet, and Spaldings catchfly, submit information via U.S. mail to: Field Supervisor; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Idaho Fish and Wildlife Office; 1387 S. Vinnell Way, Suite 368; Boise, ID 83709.

FOR FURTHER INFORMATION CONTACT: Gregory Koob, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808–792–9400 (for species in Hawaii); Jeff Dillon, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 503–231–6179 (for Warner sucker, Willamette daisy, Kincaid's lupine, and rough popcornflower); or Kim Garner, Idaho Fish and Wildlife Office, 208–378–5243 (for northern Idaho ground squirrel, Bruneau Hot springsnail, Bliss Rapids, snail, Banbury Springs limpet, and Spaldings catchfly). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year reviews?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review each listed species' status at least once every 5 years. For additional information about 5-year reviews, go to *http://www.fws.gov/endangered/what-we-do/recovery-overview.html,* scroll down to ''Learn More about 5-Year Reviews,'' and click on our factsheet.

What information do we consider in the review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that has become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for these species.

What Species Are Under Review?

This notice announces our active review of the 76 species listed in the table below.

SPECIES FOR WHICH THE PACIFIC REGION IS INITIATING A 5-YEAR STATUS REVIEW

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
ANIMALS				
Northern Idaho ground squirrel	*Urocitellus brunneus*	Threatened	U.S.A. (ID)	65 FR 17779; 04/05/2000
Maui nukupuu	*Hemignathus lucidus affinis*	Endangered	U.S.A. (HI)	32 FR 4001; 03/11/1967
Maui akepa	*Loxops coccineus ochraceus*	Endangered	U.S.A. (HI)	35 FR 16047; 10/13/1970
Poouli	*Melamprosops phaeosoma*	Endangered	U.S.A. (HI)	40 FR 44149; 09/25/1975
Molokai thrush	*Myadestes lanaiensis rutha*	Endangered	U.S.A. (HI)	35 FR 16047; 10/13/1970
Crested honeycreeper	*Palmeria dolei*	Endangered	U.S.A. (HI)	32 FR 4001; 03/11/1967
Molokai creeper	*Paroreomyza flammea*	Endangered	U.S.A. (HI)	35 FR 16047; 10/13/1970

SPECIES FOR WHICH THE PACIFIC REGION IS INITIATING A 5-YEAR STATUS REVIEW—Continued

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
Maui parrotbill	*Pseudonestor xanthophrys*	Endangered	U.S.A. (HI)	32 FR 4001; 03/11/1967
Hawaiian petrel	*Pterodroma sandwichensis*	Endangered	U.S.A. (HI)	32 FR 4001; 03/11/1967
Newell's Townsend's shearwater	*Puffinus auricularis newelli*	Threatened	U.S.A. (HI)	40 FR 44149; 09/25/1975
Warner sucker	*Catostomus warnerensis*	Threatened	U.S.A. (OR)	50 FR 39117; 09/27/1985
Hawaiian picture-wing fly	*Drosophila differens*	Endangered	U.S.A. (HI)	71 FR 26835; 05/09/2006
Hawaiian picture-wing fly	*Drosophila neoclavisetae*	Endangered	U.S.A. (HI)	71 FR 26835; 05/09/2006
Flying earwig Hawaiian damselfly.	*Megalagrion nesiotes*	Endangered	U.S.A. (HI)	75 FR 35990; 06/24/2010
Bruneau Hot springsnail	*Pyrgulopsis bruneauensis*	Endangered	U.S.A. (ID)	58 FR 5938; 01/25/1993
Bliss Rapids snail	*Taylorconcha serpenticola*	Threatened	U.S.A. (ID)	57 FR 59244; 12/14/1992
Banbury Springs limpet	*Lanx* sp.	Endangered	U.S.A. (ID)	57 FR 59244; 12/14/1992
PLANTS				
No common name	*Abutilon eremitopetalum*	Endangered	U.S.A. (HI)	56 FR 47694; 09/20/1991
'Ahinahina	*Argyroxiphium sandwicense* ssp. *macrocephalum*.	Threatened	U.S.A. (HI)	57 FR 20787; 05/15/1992
Kookoolau	*Bidens micrantha* ssp. *kalealaha*.	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
Kookoolau	*Bidens wiebkei*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Pua ala	*Brighamia rockii*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Awikiwiki	*Canavalia molokaiensis*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Oha wai	*Clermontia oblongifolia* ssp. *brevipes*.	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Oha wai	*Clermontia oblongifolia* ssp. *mauiensis*.	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
Oha wai	*Clermontia samuelii*	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Haha	*Cyanea copelandii* ssp. *haleakalaensis*.	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Haha	*Cyanea dunbarii* (=*C. dunbariae*).	Endangered	U.S.A. (HI)	61 FR 53137; 10/10/1996
Haha	*Cyanea glabra*	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Haha	*Cyanea hamatiflora* ssp. *hamatiflora*.	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Haha	*Cyanea lobata*	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
Haha	*Cyanea macrostegia* ssp. *gibsonii* (=*C. gibsonii*).	Endangered	U.S.A. (HI)	56 FR 47694; 09/20/1991
Haha	*Cyanea magnicalyx*	Endangered	U.S.A. (HI)	77 FR 34464; 06/11/2012
Haha	*Cyanea mannii*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Haha	*Cyanea mceldowneyi*	Threatened	U.S.A. (HI)	57 FR 20787; 05/15/1992
Haha	*Cyanea procera*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Haiwale	*Cyrtandra munroi*	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
Naenae	*Dubautia plantaginea* ssp. *humilis*.	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Willamette daisy	*Erigeron decumbens*	Endangered	U.S.A. (OR)	65 FR 3875; 01/25/2000
Nohoanu	*Geranium arboreum*	Endangered	U.S.A. (HI)	57 FR 20592; 05/13/1992
Nohoanu	*Geranium multiflorum*	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
No common name	*Gouania hillebrandii*	Endangered	U.S.A. (HI)	59 FR 32937; 06/27/1994
Pilo	*Hedyotis mannii* (=*Kadua laxiflora*).	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Kopa	*Hedyotis schlechtendahliana* var. *remyi* (=*Kadua cordata* ssp. *remyi*).	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Kokio keokeo	*Hibiscus arnottianus* ssp. *immaculatus*.	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Cook's koki'o	*Kokia cookei*	Endangered	U.S.A. (HI)	44 FR 62470; 10/30/1979
Kamakahala	*Labordia tinifolia* var. *lanaiensis*	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Kamakahala	*Labordia triflora*	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Kincaid's lupine	*Lupinus sulfureus* ssp. *kincaidii*	Threatened	U.S.A. (OR, WA)	65 FR 3875; 01/25/2000
No common name	*Lysimachia lydgatei*	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
No common name	*Lysimachia maxima*	Endangered	U.S.A. (HI)	61 FR 53137; 10/10/1996
Nehe	*Lipochaeta kamolensis* (=*Melanthera kamolensis*).	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
Alani	*Melicope adscendens*	Endangered	U.S.A. (HI)	59 FR 62352; 12/05/1994
Alani	*Melicope balloui*	Endangered	U.S.A. (HI)	59 FR 62352; 12/05/1994
Alani	*Melicope knudsenii*	Endangered	U.S.A. (HI)	59 FR 9327; 02/25/1994
Alani	*Melicope mucronulata*	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
Alani	*Melicope munroi*	Endangered	U.S.A. (HI)	64 FR 48307; 09/02/1999
Alani	*Melicope ovalis*	Endangered	U.S.A. (HI)	59 FR 62352; 12/05/1994
No common name	*Neraudia sericea*	Endangered	U.S.A. (HI)	59 FR 56350; 11/10/1994

SPECIES FOR WHICH THE PACIFIC REGION IS INITIATING A 5-YEAR STATUS REVIEW—Continued

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
No common name	*Phyllostegia glabra* var. *lanaiensis.*	Endangered	U.S.A. (HI)	56 FR 47694; 09/20/1991
No common name	*Phyllostegia hispida*	Endangered	U.S.A. (HI)	74 FR 11327; 03/17/2009
No common name	*Phyllostegia mannii*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Rough popcornflower	*Plagiobothrys hirtus*	Endangered	U.S.A. (OR)	65 FR 3866; 01/25/2000
Loulu	*Pritchardia munroi*	Endangered	U.S.A. (HI)	61 FR 43184; 08/21/1996
Maui remya	*Remya mauiensis*	Endangered	U.S.A. (HI)	56 FR 1454; 01/14/1991
Lanai sandalwood or iliahi	*Santalum haleakalae* var. *lanaiense* (=*S. freycinetianum* var. *lanaiense*).	Endangered	U.S.A. (HI)	78 FR 32013; 05/28/2013
No common name	*Schiedea haleakalensis*	Endangered	U.S.A. (HI)	57 FR 20787; 05/15/1992
No common name	*Schiedea lydgatei*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
No common name	*Schiedea sarmentosa*	Endangered	U.S.A. (HI)	61 FR 53137; 10/10/1996
No common name	*Silene alexandri*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Spalding's catchfly	*Silene spaldingii*	Threatened	U.S.A. (ID, MT, OR, WA).	66 FR 51597; 10/10/2001
No common name	*Stenogyne bifida*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
Pamakani	*Tetramolopium capillare*	Endangered	U.S.A. (HI)	59 FR 49863; 09/30/1994
No common name	*Tetramolopium remyi*	Endangered	U.S.A. (HI)	56 FR 47694; 09/20/1991
No common name	*Tetramolopium rockii*	Endangered	U.S.A. (HI)	57 FR 46325; 10/08/1992
No common name	*Viola lanaiensis*	Endangered	U.S.A. (HI)	56 FR 47694; 09/20/1991

Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See ''What Information Do We Consider in Our Review?'' for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the Pacific Islands Fish and Wildlife Office, Oregon Fish and Wildlife Office, or Idaho Fish and Wildlife Office (see **ADDRESSES** section).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at *http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 7, 2015.

Richard R. Hannan,

Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2016–02895 Filed 2–11–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT of THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2015–N144]; [FF09E42000 156 FXES11130900000]

Endangered Species; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued the following permits to conduct certain activities with endangered and threatened species under the authority of the Endangered Species Act, as amended (Act). With some exceptions, the Act prohibits activities with listed species unless a Federal permit is issued that allows such activity. We provide this list for the convenience of the public as a summary of our permit issuances for the calendar year 2015.

FOR FURTHER INFORMATION CONTACT: See the contact information in the Permits Issued section.

SUPPLEMENTARY INFORMATION: We have issued the following permits to conduct activities with endangered and threatened species in response to recovery permit applications that we received under the authority of section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). These permits were issued between January 1, 2015, and December 31, 2015. Each permit was issued only after we determined that it was applied for in good faith, that granting the permit would not be to the disadvantage of the listed species, that the proposed activities were for scientific research or would benefit the recovery or the enhancement of survival of the species, and that the terms and conditions of the permits were consistent with the purposes and policy set forth in the Act.

Permits Issued

Region 1 (Pacific Region: Hawaii and Other Pacific Islands, Idaho, Oregon (except for Klamath Basin), and Washington)

The following permits were applied for and issued in Region 1. For more information about any the following

permits, contact the Recovery Permit Coordinator, by email at *PermitsR1ES@fws.gov* or by telephone at 503–231–6131.

Permit No.	Date issued	Applicant name
38768B	01/06/15	Micronesian Environmental Services.
017352	01/16/15	Commonwealth of The Northern Mariana Islands.
132842	01/23/15	Public Utility District No. 1 of Pend Oreille County.
233288	01/23/15	ICF Jones and Stokes, Inc.
826600	02/09/15	Hadfield, Michael G.
53931B	02/10/15	City of Bellingham.
060179	03/05/15	Zoological Society of San Diego.
017352	03/20/15	Commonwealth of The Northern Mariana Islands.
45531B	03/20/15	Hawaii Division of Forestry and Wildlife.
49208B	03/20/15	Summers, Tammy M.
003483	03/25/15	U.S. Geological Survey, Biological Resources Discipline.
27877B	04/08/15	Haan, Nathan L.
56731B	04/08/15	AMEC Environment and Infrastructure, Inc.
014798	04/14/15	Coeur d'Alene Tribe.
068143	04/30/15	Eastern Washington University.
844468	04/30/15	Confederated Tribes of the Umatilla Indian Reservation.
014497	05/07/15	Haleakala National Park.
42195A	05/07/15	U.S. Department of the Navy, Naval Base Guam.
08964A	05/07/15	Ross, Dana N.
39372B	05/08/15	Institute For Natural Resources, Portland State University.
136964	05/21/15	Washington Department of Natural Resources.
44312A	05/27/15	Mount Rainier National Park.
011423	05/27/15	Washington Department of Ecology.
49790B	06/08/15	U.S. Geological Survey.
005885	06/11/15	Seattle City Light.
56898B	06/15/15	Bowerman, William J.
58586B	06/15/15	Deschutes National Forest, U.S. Forest Service.
60820B	06/15/15	Willamette National Forest.
58481B	06/15/15	Biota Pacific Environmental Sciences.
39390B	06/24/15	Ecological Land Services, Inc.
64608B	06/24/15	Washington Department of Natural Resources.
64791B	07/02/15	Island County Department of Natural Resources.
63382B	07/15/15	Nyman, Stephen.
702631	07/16/15	U.S. Fish and Wildlife Service, Region 1.
49790B	07/16/15	U.S. Geological Survey.
39991B	08/03/15	University of Washington Botanic Gardens.
802107	08/05/15	Baird, Patricia A.
72492B	08/20/15	Electron Hydro, LLC.
56898B	08/24/15	Bowerman, William J.
041023	09/02/15	Department of the Army.
844489	09/10/15	Deschutes National Forest, U.S. Forest Service.
71541A	09/28/15	Confederated Tribes of The Warm Springs Reservation.
67121B	10/22/15	Pacific Rim Conservation.
192390	11/12/15	James, Paul W.
99618A	12/02/15	Rock, Dennis F.
043628	12/17/15	Institute For Applied Ecology.

Region 2 (Southwest Region: Arizona, New Mexico, Oklahoma, and Texas)

The following permits were applied for and issued in Region 2. For more information about any the following permits, contact the Recovery Permit Coordinator, by email at *PermitsR2ES@fws.gov* or by telephone at 505–248–6665.

Permit No.	Date issued	Applicant name
822908	01/12/15	Caesar Kleberg Wildlife Research Institute.
150490	01/20/15	Maresh, John P.
60125	01/20/15	Salt River Project Agricultural Improvement and Power District.
053085	01/23/15	Bureau of Reclamation—Boulder City.
836329	02/04/15	Blanton and Associates.
188015	02/05/15	Pueblo of Santa Ana—Natural Resources.
52821B	02/05/15	Conley, Dillan W.
48908B	02/05/15	Mickinney, Jeremiah C.
89061A	02/06/15	Arizona State University School of Life Sciences.
52824B	02/06/15	Clearwater Underground Water Conservation District.
51928B	02/16/15	Moczygemba, Kevin J.
802211	02/16/15	Texas State University—San Marcos.
841353	02/24/15	Bowman Consulting Group, Ltd.
48572B	03/02/15	Cienega Environmental, Inc.

Permit No.	Date issued	Applicant name
44547B	03/02/15	Dixon, Thomas P.
144755	03/02/15	Reagan Smith Energy Solutions, Inc.
58946B	03/02/15	Gsi Engineering, Llc.
58947B	03/02/15	Ck Associates, Llc.
51930B	03/02/15	Rizzo, Alex K.
800611	03/02/15	Swca Environmental Consultants, San Antonio.
063395	03/04/15	Jenks Aquarium Authority.
44545B	03/04/15	Horvath, Michael J.
233205	03/04/15	Bonn, Thomas D.
050706	03/13/15	Western Ecosystems Technology, Inc.
045236	03/13/15	SWCA Environmental Consultants.
833851	03/16/15	City of Austin—Watershed Protection Department.
25609A	03/16/15	The Peregrine Fund.
37418B	03/16/15	Braown and Gay Engineers, Inc.
195248	03/16/15	Morrison, Michael L.
35147A	03/20/15	Newstead, David J.
798920	03/23/15	City of Austin.
040341	03/23/15	Larsen, William Charles.
835139	03/23/15	Hawks Aloft, Inc.
830213	03/24/15	Eco Plan Associates, Inc.
71870A	03/25/15	Western Area Power Administration.
123070	03/27/15	Morales, Susana M.
08548B	03/27/15	USGS- Sonoran Desert Research Station.
776123	03/31/15	Texas A and M University—Galveston.
819541	03/31/15	Ecosystem Management, Inc.
842565	03/31/15	Cibola National Forest.
97824A	03/31/15	Smith Environmental Research and Consulting House.
814933	04/03/15	Texas Parks and Wildlife Department.
038055	04/03/15	University of New Mexico.
082496	04/03/15	Joint Base San Antonio—Natural Resources.
62878B	04/03/15	Hammerhead Resources, Llc.
28891A	04/06/15	Tristan, Timothy.
51929B	04/06/15	Clark, Timothy G.
24623A	04/07/15	Miller Park Zoo.
43777A	04/10/15	Sea Life US, Llc.
055419	04/15/15	Turner Biological Consulting, Llc.
37946B	04/20/15	Wright, Marjorie A.
001623	04/22/15	American Southwest Ichthyological Researchers.
35147A	04/22/15	Newstead, David J.
52820B	04/22/15	Harmon, Vonceil.
48437B	04/22/15	Jones, Jann S.
48847A	04/23/15	Texas A and M University At Galveston.
146407	04/24/15	Belaire Environmental, Inc. (BEI).
205717	04/24/15	Collins, Valerie M.
48435B	04/30/15	Dickinson, Kevin S.
58243B	05/04/15	Hill , Austin E.
168688	05/04/15	Itz, Sarah N.
35619A	05/04/15	Miller, Marvin J.
61040B	05/04/15	Shenandoah Deer Services Llc.
48766A	05/06/15	Grabowski, Timothy B.
35163A	05/06/15	Grzybowski, Joseph A.
091551	05/06/15	U.S. Fish and Wildlife Service, Region 2.
61124B	05/11/15	Creighton, J. Curtis.
58781A	05/12/15	University of Arizona.
064085	05/15/15	Rodden, Iris E.
091552	05/18/15	Homesley, Zane N.
195191	05/18/15	Baer Engineering and Environmental Consulting, Inc.
829995	05/18/15	Dallas Zoo and Aquarium.
051819	05/19/15	Fort Worth Zoological Park.
837751	05/22/15	Bureau of Reclamation. Phoenix.
66055A	05/22/15	The Navajo Nation.
52561B	05/22/15	Teague, Trevor N.
52562B	05/22/15	Turner, Andrew J.P.
082497	05/27/15	Huggins Enterprises, Llc.
54802B	05/28/15	Phillips-Schaap, Megan Elizabeth.
27791B	05/29/15	National Park Service—Montezuma Castle and Tuzigoot Monuments.
037118	05/29/15	Carroll, Scott E.
819475	05/29/15	Bureau of Reclamation.
082498	05/29/15	National Park Service—Flagstaff Area National Monuments.
043399	06/05/15	Eagle Environmental Consulting, Inc.
42737A	06/05/15	Sevenecoten, Llc.
64619B	06/05/15	Wood, Dustin A.
08548B	06/05/15	USGS—Sonoran Desert Research Station.
830213	06/10/15	Eco Plan Associates, Inc.

Permit No.	Date issued	Applicant name
43324B	06/10/15	Goode, Matthew J.
63200B	06/10/15	Audubon Arizona.
146501	06/12/15	Oklahoma Conservation Commission.
000948	06/15/15	Western New Mexico University.
819477	06/15/15	Parametrix.
61045B	06/15/15	Scott, Jennifer D.
23162B	06/18/15	Herman, Eric L.
207863	06/19/15	AECOM.
819458	06/19/15	Organ Pipe Cactus National Monument.
826091	06/19/15	Bureau of Land Management—Phoenix.
30430B	06/22/15	University of Houston—Clear Lake.
52816B	06/26/15	Davis, David H.
028605	06/26/15	SWCA Environmental Consultants—Flagstaff.
63522B	07/02/15	Laney Environmental Consulting.
61048B	07/02/15	Veteran Environmental, Llc.
63523B	07/02/15	Medina Consulting Company, Inc.
023643	07/03/15	Us Army, III Corps and Fort Hood.
236730	07/03/15	Bonner, Timothy H.
023159	07/06/15	Sora.
011464	07/06/15	Vaughn, Caryn C.
41814B	07/06/15	Tucson Audubon Society.
828830	07/10/15	Bureau of Land Management—Tucson Field Office.
44542B	07/10/15	Olsson Associates.
821577	07/10/15	Arizona Game and Fish Department.
170625	07/10/15	Howard, Daniel R.
066229	07/15/15	Whitenton Group, Inc. Environmental Consultants.
37484A	07/15/15	Balcones Canyonlands National Wildlife Refuge.
169770	07/17/15	New Mexico Interstate Stream Commission.
833866	07/17/15	Texas Forest Service.
43746A	07/20/15	Northern Arizona University.
63202B	07/20/15	Chambers, Carol L.
006655	07/20/15	Logan Simpson Design, Inc.
33863A	07/20/15	Blackburn, Deborah K.
820730	07/21/15	New Mexico Energy, Minerals And Natural Resources Department.
053839	07/21/15	Sme Environmental Consultants.
004439	07/21/15	Albuquerque Biological Park.
07059A	07/21/15	Marsh, Paul C.
64968A	07/21/15	Apex Companies, Llc.
022190	07/23/15	Arizona-Sonora Desert Museum.
206016	07/24/15	Middick, Andrew R.
35438B	08/07/15	Bradley, Anne F.
50643B	08/07/15	Weaver, Vaughn D.
38748A	08/12/15	Carlotta Copper Company.
189566	08/12/15	Geick, Monica.
828640	08/19/15	Harris Environmental Group.
42739A	08/20/15	Sea Life Arizona.
71618A	08/26/15	Museum of Southwestern Biology—UNM Herbarium.
821356	08/26/15	Grand Canyon Monitoring And Research Center, USGS.
67919B	09/01/15	Kartye Land Management Llc.
08394B	09/18/15	U.S. Forest Service.
73966B	09/18/15	Arizona State Parks.
72065A	09/18/15	Prescott National Forest.
051832	09/18/15	Phoenix Zoo.
69881B	09/18/15	Larsen, Brendan B.
88519A	09/21/15	U.S. Forest Service.
60111B	09/21/15	Robb, Natalie J.
67917B	09/23/15	Gabor, Caitlin R.
822998	09/25/15	U.S. Forest Service.
797127	09/25/15	U.S. Army COE, Albuquerque.
800923	09/25/15	University of Arizona.
73319B	09/25/15	Thompson, Brent E.
64622B	09/28/15	Granillo, Kathy A.
64624B	09/28/15	Johnson, Cassidy B.
78097B	10/01/15	Aslan, Clare E.
73330B	10/01/15	Hargrove, Phillip W.
819528	10/06/15	New Mexico Natural Heritage Program.
63195B	10/06/15	Stoner, Kathryn E.
64311A	10/06/15	Arizona Department of Emergency and Military Affairs.
59580A	10/09/15	Rocky Mountain Ecology.
834782	10/15/15	Westland Resources, Inc.
819473	10/20/15	Grand Canyon National Park.
815409	10/23/15	New Mexico Department of Game and Fish.
037780	10/30/15	Texas Westmoreland Coal Company.
97830A	11/02/15	USFWS—Ozark Plateau National Wildlife Refuge.

Permit No.	Date issued	Applicant name
103480	11/02/15	Campbell, Carianne S.
842583	11/02/15	La Tierra Environmental Consulting.
30425B	11/02/15	Hagyari, David K.
068189	11/02/15	Archaeological Consulting Services, Ltd.
58490B	11/02/15	Krebbs, Karen.
73321B	11/10/15	Paroz, Yvette M.
72324B	11/10/15	Dill, Lauren A.
43754A	11/12/15	Turner Endangered Species Fund.
78960A	11/13/15	Federal Emergency Management Agency.
212451	11/16/15	Ortiz, Peter R.
181762	11/23/15	Sea Turtle, Inc.
053104	11/24/15	ACI Group, Llc.
676811	11/24/15	U.S. Fish and Wildlife Service, Region 2.
43322B	11/25/15	Nowak, Erika M.
840214	12/04/15	Luminant Power.
65846A	12/04/15	Saguaro National Park.
73317B	12/18/15	Britt, Charles R.

Region 3 (Midwest Region: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin)

The following permits were applied for and issued in Region 3. For more information about any the following permits, contact the Recovery Permit Coordinator, by email at *PermitsR3ES@fws.gov* or by telephone at 612–713–5343.

Permit No.	Date issued	Applicant name
19777A	01/15/15	Volk Field-CRTC-ANG.
02560A	05/01/15	Carter, Timothy C.
35859B	06/09/15	Mills, Charles E.
64238B	06/12/15	Karsk, Jocelyn.
697830	06/15/15	U.S. Fish and Wildlife Service.
07358A	06/17/15	Civil and Environmental Consultants, Inc.
64079B	06/17/15	Minnesota Zoological Garden.
64073B	06/19/15	Ecological and GIS Services.
64077B	06/19/15	Krych, Scott A.
21829B	06/22/15	Bishop-Boros, Larisa J.
64070B	07/02/15	SWCA, Inc.
31055B	07/13/15	Armstrong, Kory.
89557A	07/15/15	TRC Companies, Inc.
82666A	07/15/15	Boyles, Justin G.
64235B	07/16/15	O'Leary, William G.
151109	07/17/15	Ohio Division of Wildlife.
64074B	07/27/15	Zeyzus, Julie A.
71508B	08/14/15	Weber, Justine E.
06841A	09/29/15	U.S. Fish and Wildlife Service.
60257B	10/01/15	Missouri Department of Conservation.
11035A	10/05/15	Vande Kopple, Robert J.
06846A	10/07/15	Smithsonian Institution.
38860A	10/08/15	Garvon, Jason M.
64082B	10/08/15	Beckman, Daniel W.
71516B	10/08/15	Olsson Associates.
72089B	10/09/15	Michigan Technological University.
06801A	10/29/15	Pittsburgh Wildlife and Environmental, Inc.
64081B	10/30/15	Hoyt, Joseph R.
809630	11/03/15	Kurta, Allen.
38769A	11/06/15	Bradley, Sarah A.
38842A	11/06/15	Sanders Environmental Inc.
38866A	11/06/15	U.S. Geological Survey.
144832	11/16/15	Detroit Zoological Society.
74488B	11/18/15	Missouri Cooperative Research Unit.
60133B	12/04/15	University of Minnesota.
105320	12/08/15	Tragus Environmental Consulting, Inc.
120231	12/08/15	Timpone, John C.
64078B	12/09/15	Toledo Zoological Zoo.
64237B	12/22/15	York-Harris, Megan B.
805269	12/23/15	Soluk, Daniel A.
06845A	12/31/15	Lochmueller Group.
35518B	12/31/15	Sheets, Jeremy J.
30970B	12/31/15	Miller, Jeffrey C.
151107	12/31/15	Redwing Ecological Services, Inc.
60958A	12/31/15	Bat Calls Identification, Inc.

Permit No.	Date issued	Applicant name
62286A	12/31/15	Whittle, Jason B.

Region 4 (Southeast Region: States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States)

The following permits were applied for and issued in Region 4. For more information about any of the following permits, contact the Recovery Permit Coordinator, by email at *PermitsR4ES@fws.gov* or by telephone at 404–679–7097.

Permit No.	Date issued	Applicant name
91373A	01/28/15	Miller, Jonathan M.
79580A	01/28/15	Butler, Jason M.
139474	01/28/15	Ftn Associates, Ltd.
206784	01/30/15	Bailey, William E.
24343B	01/30/15	EGIS, Inc.
37524B	02/02/15	The Florida Aquarium.
94669A	02/02/15	Toledo Zoological Gardens.
02200B	02/09/15	Atlanta Botanical Garden.
37490B	02/10/15	Littrell, Melissa Toncray.
142294	02/18/15	Holimon, William (Bill) C.
48049B	02/24/15	Cunningham, Kathryn A.
81756A	03/03/15	Robinson, Jason B.
37900B	03/03/15	Lauerman, Sarah A.
48576B	03/03/15	Wood, Carson D.
237549	03/03/15	The Nature Conservancy, Tennessee Chapter.
59943B	03/03/15	Boles, Tricia Fay.
23583B	03/06/15	Ober, Holly K.
077175	03/06/15	Best, Troy L.
48579B	03/06/15	Ecological Solution Inc.
37663B	03/06/15	Ijames, Rebecca D.
125620	03/06/15	Burns and Mcdonnell Engineering Company, Inc.
102418	03/09/15	Florida Army National Guard.
119937	03/09/15	Loeb, Susan C.
94704A	03/25/15	Brown, Dorothy C.
37666B	03/30/15	Allen, Jessica L.
096554	04/01/15	Biological Systems Consultant, Inc.
62857B	04/02/15	Bear, Donna L.
22570A	04/03/15	Nashville Zoo.
697819	04/08/15	Fish and Wildlife Service, Region 4.
066980	04/09/15	J.W. Jones Ecological Research Center, Ichauway Inc.
63633A	04/09/15	Biodiversity Research Institute.
27608B	04/13/15	Mcgehee Engineering Corporation.
37492B	04/13/15	Grow, Anthony Christopher.
48582B	04/14/15	Romano, Kim A.
51145B	04/15/15	Ashton, Kyle G.
63888B	04/16/15	Museum of Science Inc.
48386B	04/20/15	Department of Defense.
102292	04/20/15	Jackson, Jeremy L.
56749B	04/20/15	Moore, Patrick R.
53149B	04/20/15	Otto, Hans W.
083085	04/21/15	Menges, Eric S.
070584	05/01/15	Gumbert, Mark W.
18825B	05/13/15	Savidge, Timothy W.
070796	05/13/15	Apogee Environmental Consultants.
63349B	06/01/15	Lindeman, Peter V.
129703	06/11/15	Hmb Professional Engineers, Inc.
051429	06/15/15	Mosaic Fertilizer, Llc.
100012	06/16/15	Share The Beach.
41910B	06/17/15	Rush, Scott A.
54578B	06/18/15	Frazer, Mary E.
78919A	06/23/15	East Coast Zoological Society.
100070	06/24/15	USDA Forest Service—Bankhead Ranger District.
061069	06/29/15	Smith, Mark R.
816862	07/01/15	Settles, Joseph.
38906B	07/28/15	National Parks Service.
075913	08/10/15	Risch, Thomas S.
56430B	08/11/15	Hootman, Jonathan R.

Permit No.	Date issued	Applicant name
60238B	08/21/15	Georgia Museum of Natural History.
13844A	08/21/15	Miller, Anthony T.
64232B	08/25/15	Young, Joshua R.
38519A	08/26/15	Cardno Entrix.
108584	09/01/15	Nehus, Tim J.
59798B	09/03/15	Daguna Consulting Llc.
237545	11/04/15	Lavoie, Michael J.
37219B	11/06/15	Perry, Roger W.
32397A	11/12/15	Godwin, James C.
21809A	11/19/15	Folk, Monica L.
087176	11/23/15	Eisenhour, David J.
237535	11/27/15	Bok Tower Gardens.
206741	11/30/15	Metro Water Services.
66445B	12/01/15	Fowler, Angelina D.
049654	12/14/15	Gordon, William D.
37498B	12/14/15	Everglades Research and Education Center.
117769	12/18/15	Schoech, Stephan J.

Region 5 (Northeast Region: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia)

The following permits were applied for and issued in Region 5. For more information about any the following permits, contact the Recovery Permit Coordinator, by email at *PermitsR5ES@fws.gov* or telephone 703–358–2402.

Permit No.	Date issued	Applicant name
86197B	03/17/15	Weldon, Prescott.
86343B	03/24/15	Carlin, John.
86345B	04/04/15	Knorr, David.
86357B	04/06/15	Feller, Daniel J.
86358B	07/24/15	Zydlewski, Joseph D.
86357B	09/03/15	Feller, Daniel J.
86359B	09/15/15	Riexinger, Patricia.
86361B	10/02/15	Winslow, Kyle.
86362B	10/16/15	Galbraith, Heather.

Region 6 (Mountain-Prairie Region: Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming)

The following permits were applied for and issued in Region 6. For more information about any the following permits, contact the Recovery Permit Coordinator, by email at *PermitsR6ES@fws.gov* or by telephone 719–628–2670.

Permit No.	Date issued	Applicant name
25496B	01/23/15	Marette, Brandon B.
091149	02/05/15	Confederated Salish and Kootenai Tribes.
49168B	03/09/15	Ortega, Catherine P.
00670A	03/09/15	South Dakota Game, Fish and Parks.
103272	03/16/15	Virginia Polytechnic Institute.
45150	05/14/15	Oklahoma State University.
060668	05/01/15	Bellini Environmental Consulting.
43046A	05/27/15	Mammoliti, Kirk M.
56902B	05/27/15	Bureau of Reclamation.
227446	05/27/15	Clifton Sanitation District.
704930	05/28/15	U.S. Fish and Wildlife Service.
059369	06/01/15	Colorado State University.
63418B	06/01/15	US Forest Service, Superior Ranger District.
232905	06/15/15	Como Park Zoo and Conservatory.
207946	06/15/15	Bureau of Reclamation.
54237	07/01/15	USDA Forest Service—Rocky Mountain Region.
66969B	07/01/15	Cemml—Colorado State University.
183430	07/13/15	Headwaters Corporation.
66969B	07/23/15	Colorado State University.
54237	07/23/15	USDA Forest Service.

Permit No.	Date issued	Applicant name
46971A	07/27/15	USDA Forest Service.
01741B	07/28/15	Colorado Department of Transportation.
64613B	08/01/15	Phillips, Andrew L.
66505B	08/01/15	Wenck Associates.
50643B	08/07/15	Weaver, Vaughn D.
161444	08/10/15	California Academy of Sciences.
237960	08/10/15	Power Engineers.
66510B	09/01/15	North Dakota State University.
12513A	09/08/15	University of Colorado—Denver.
65809B	09/01/15	Dankert, Neil E.
07858A	09/09/15	Utah State University.
66521B	09/09/15	Western Biology, Llc.
106387	10/05/15	US Forest Service, Bridger-Teton National Forest.
053925	10/13/15	National Park Service.
65611B	10/22/15	Skadsen, Dennis.
66113B	10/14/15	Reiser, Jim M.

Region 7 (Alaska Region)

The following permits were applied for and issued in Region 7. For more information about any the following permits, contact the Recovery Permit Coordinator, by email at *PermitsR7ES@fws.gov* or by telephone 907–786–3472.

Permit No.	Date issued	Applicant name
042711	05/23/15	Yukon Delta National Wildlife Refuge.
012155	06/22/15	ABR, Inc.

Region 8 (Pacific Southwest Region: California, Nevada, and Klamath Basin Portion of Oregon)

The following permits were applied for and issued in Region 8. For more information about any the following permits, contact the Recovery Permit Coordinator, by email at *PermitsCNES@fws.gov* or by telephone at 760–431–9440.

Permit No.	Date issued	Applicant name
006559	01/03/15	Powell, Dale A.
237086	01/07/15	Orr, Bruce K.
43944A	01/21/15	Spies, Brenton T.
797267	01/30/15	Triple Hs, Incorporated.
35387A	01/30/15	Glenn, Danielle C.
004234	01/30/15	California Department of Parks and Recreation.
094893	01/30/15	Santa Barbara Botanic Garden.
806679	01/30/15	Spring Rivers Ecological Sciences, Llc.
181738	01/30/15	U.S. Environmental Protection Agency.
100006	01/30/15	Freeman Biological.
094318	02/13/15	Vinje, Jessica S.
20186A	02/13/15	Huffman, Garrett R.
031913	02/13/15	Ball, Morgan L.
41613B	02/13/15	Stewart, Mitch W.
839896	02/13/15	Reed, Samuel J.
827494	02/13/15	Riefner, Rick E.
72044A	02/13/15	Demetropoulos, Carl L.
203081	02/13/15	Labonte, John P.
032713	02/13/15	California Department of Transportation.
110382	02/13/15	Edens, Ava R.
13636B	02/13/15	Hoffman, Michaela L.
41184B	02/13/15	Hyland, Mason D.
237061	02/13/15	Chase, Daniel A.
41182B	02/13/15	Pope, Karen L.
89998A	02/27/15	Amalong, Matthew L.
104080	02/27/15	Sykes, Stephen A.
33292B	02/27/15	Tehama Environmental Solutions, Incorporated.
43937B	02/27/15	Sloan, Robert L.
41181B	02/27/15	Addison, Clayton K.
110094	02/27/15	Chapman, Todd A.
15544A	03/20/15	Beck, Christine L.
43642B	03/20/15	National Park Service—Redwood National Park.
41825B	03/20/15	Parker, Virgil T.
027422	03/20/15	Pittman, Brian T.
108099	03/20/15	Higginson, Jane.
218630	03/20/15	Mendez, Irena M.
01769B	04/01/15	Reebs, Jesse L.
128462	04/03/15	Feenstra, Jonathan S.
801346	04/03/15	Rogers, Geoffrey L.
821229	04/03/15	Crawford, David G.
832945	04/03/15	Patterson, Lisa M.

Permit No.	Date issued	Applicant name
58888A	04/03/15	Ritenour, Dale E.
43643B	04/03/15	Weiser, Barbara P.
50899B	04/07/15	Bonzey, Nicholas S.
02496A	04/07/15	Ghalambor, Kevin K.
09389A	04/07/15	Giolli, Michelle E.
114928	04/07/15	Howe, John A.
09375A	04/20/15	Eliassen, Laura A.
808241	04/20/15	Sonoma County Water Agency.
161496	04/20/15	Halbert, Portia.
142435	04/21/15	Shier, Debra M.
54716A	04/27/15	Harvey, Christine L.
829204	04/27/15	Jones, Harry L.
53787B	04/27/15	Franklin, Heather A.
53922B	04/27/15	Wier, Emily A.
800930	05/04/15	Marquez-Waller, Viviane J.
08592A	05/22/15	Zoological Society of San Diego.
14231A	05/04/15	Brungraber, Caesara W.
062125	05/22/15	Bureau of Land Management—Mother Lode Field Office.
50466A	05/22/15	Humphrey, Rosanne L.
134333	05/22/15	California State University—Chico.
14237A	05/22/15	Wildlife Science Consulting.
64124A	05/25/15	Rowe, Sean P.
148556	05/25/15	Van Dooremolen, Deborah M.
062121	05/25/15	Young, Ryan R.
837574	05/26/15	Eremico Biological Services.
054011	05/26/15	Green, John F.
804203	06/03/15	AMEC.
148554	06/03/15	Bonterra Psomas.
118641	06/04/15	Mcgraw, Jodi M.
082233	06/05/15	England, Marcus C.
804203	06/05/15	Myers, Stephen J.
017549	06/05/15	Whitfield, Mary J.
43668A	06/05/15	Braden, Gerald T.
807078	06/12/15	Point Reyes Bird Observatory.
62708B	06/12/15	Halterman, Mary M.
62432B	06/12/15	Mcallister, Sean E.
085026	06/18/15	Steinman, Jeff.
117947	06/19/15	Clark, Kevin B.
148554	06/19/15	Heredia, Amber O.
59592B	06/19/15	Johnson, Angela M.
46552A	06/29/15	Wasz, Kristen M.
022227	06/29/15	Smead, Harry F.
35000A	06/29/15	University of California, Davis.
094642	06/30/15	Shaffer, Howard B.
63440B	07/22/15	Thompson, Daniel B.
63422B	07/22/15	U.S. Forest Service.
59586B	07/24/15	Duff, Scott M.
56726A	07/24/15	Kern, Miki A.
50510A	07/24/15	Cline, Geoffrey D.
25164A	07/24/15	Little, Catherine A.
19226A	07/24/15	Moore, Jillian S.
59890B	07/24/15	Olberding Environmental, Inc.
25864A	07/24/15	Stolpe, Richard C.
799570	07/30/15	Witham, Carol W.
049175	07/30/15	Dicus, Melanie R.
43949B	07/30/15	Harrison, Joshua G.
114936	08/07/15	Johnson, Bonnie J.
066621	08/07/15	Naval Base Ventura County Point Mugu, Department of the Navy.
038701	08/07/15	Peterson, Bonnie L.
026089	08/07/15	Humboldt Redwood Company, Llc.
837309	08/07/15	Misenhelter, Michael D.
811188	08/07/15	Resource Conservation District of The Santa Monica Mountains.
43944A	08/07/15	Spies, Brenton T.
018177	08/07/15	Hansen, Eric C.
42833A	08/21/15	Maunsell, Ian E.D.
168927	08/21/15	Stokes, Drew C.
200339	08/21/15	Foster, Sarah M.
50999B	08/21/15	Meisel, Autumn N.
039640	09/02/15	Alberts, Kris R.
50992B	09/02/15	Gutierrez, Antonette T.
060175	09/28/15	Gonzales, Teresa L.
095868	09/28/15	Kisner, David A.
022630	09/28/15	U.S. Geological Survey.
56626B	09/28/15	Dakin, Robin E.

Permit No.	Date issued	Applicant name
56489B	09/28/15	Koehler, Jonathan T.
122026	09/28/15	Bailey, Tracy Y.
787037	10/06/15	Simovich, Marie A.
797267	11/02/15	Triple Hs, Incorporated.
049461	11/09/15	Marty, Jaymee T.
57161B	11/09/15	Wyckoff, Anna C.
59573B	11/09/15	Krause, Andrew P.
56034B	11/09/15	Huang, Joseph L.
034101	11/11/15	Naval Facilities Engineering Comand, Southwest.
67390A	11/12/15	Smith, Benjamin J.
091463	11/12/15	Hongola, Steven J.
162656	11/12/15	Mc Connel, Patrick O.
044520	11/12/15	Snibbe, Jenni J. K.
60106B	11/12/15	Sosa, Roland A.
6328	11/12/15	Drake, Michael B.
057043	11/17/15	Green Diamond Resource Company.
817397	11/17/15	Storrer, John R.
188803	11/23/15	USFWS—Stockton FWO.
72013A	12/01/15	Durand, John R.
809232	12/04/15	Bio-West, Incorporated.
045994	12/04/15	U.S. Geological Survey—Western Ecological Research Center.
30659A	12/04/15	Creekside Center For Earth Observation.
007907	12/04/15	U.S. Geological Survey.
59158B	12/04/15	Newman, Darren P.
012973	12/14/15	Ecorp Consulting, Inc.

Availability of Documents

Documents and other information submitted with these applications are available for review subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents.

Authority

We provide this notice under the authority of section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: February 4, 2016.

Don Morgan,

Chief, Branch of Recovery and State Grants.

[FR Doc. 2016–02723 Filed 2–11–16; 8:45 am]

BILLING CODE 4333–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[USGS–GX15WC00COM0001]

Agency Information Collection Activities: Comment Request

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a revision of a currently approved information collection (1028–0106).

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on May 31, 2016.

DATES: To ensure that your comments are considered, we must receive them on or before April 12, 2016.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Use 'Information Collection Number 1028–0106, Ash Fall Report' in the subject line.

FOR FURTHER INFORMATION CONTACT: Kristi Wallace, U.S. Geological Survey, Alaska Volcano Observatory, 4210 University Drive, Anchorage, Alaska 99508, email: *kwallace@usgs.gov*, office: 907–786–7109. You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The USGS provides notifications and warnings to the public of volcanic activity in the US in order to reduce the loss of life, property, and economic and societal impacts. Ash fallout to the ground can pose significant disruption and damage to buildings, transportation, water and wastewater, power supply, communications equipment, agriculture, and primary production leading to potentially substantial societal impacts and costs, even at thicknesses of only a few millimeters or inches. Additionally, fine grainedash, when ingested can cause health impacts to humans and animals. USGS will use reports entered in real time by respondents of ash fall in their local area to correct or refine ash fall forecasts as the ash cloud moves downwind. Retrospectively these reports will enable USGS to improve their ash fall models and further research into eruptive processes. This project is a database module and web interface allowing the public and Alaska Volcano Observatory (AVO) staff to enter reports of ash fall in their local area in real time and retrospectively following an eruptive event. Users browsing the AVO Web site during eruptions will be directed towards a web form allowing them to fill in ash fall information and submit the information to AVO.

Compiled ashfall reports are available in real-time to AVO staff through the AVO internal Web site. A pre-formatted summary report or table that distills information received online will show ash fall reports in chronological order with key fields including (1) date and time of ash fall, (2) location, (3) positive or negative ash fall (4) name of observer, and (5) contact information is easily viewable internally on the report so that calls for clarification can be made by AVO staff quickly and Operations room staff can visualize ashfall information quickly.

Ash fall report data will also be displayed on a dynamic map interface and show positive (yes ash) and

negative (no ash) ash fall reports by location. Ash fall reports (icons) will be publically displayed for a period of 24 hours and shaded differently as they age so that the age of reports is obvious.

The ash fall report database will help AVO track eruption clouds and associated fallout downwind. These reports from the public will also give scientists a more complete record of the amount and duration and other conditions of ash fall. Getting first-hand accounts of ash fall will support model ash fall development and interpretation of satellite imagery. AVO scientists will—as time allows—be able to contact the individuals using their entered contact information for clarification and details. Knowing the locations from which ash-fall reports have been filed will improve ash fall warning messages, AVO Volcanic Activity Notifications, and make fieldwork more efficient. AVO staff will be able to condense and summarize the various ash fall reports and forward that information on to emergency management agencies and the wider public. The online form will also free up resources during exceedingly busy times during an eruption, as most individuals currently phone AVO with their reports.

II. Data

OMB Control Number: 1028–0106.

Form Number: NA.

Title: USGS Ash Fall Report.

Type of Request: Renewal of existing information collection.

Affected Public: General Public, local governments and emergency managers.

Respondent Obligation: Voluntary.

Frequency of Collection: On occasion, after each ashfall event.

Estimated Total Number of Annual Responses: Approximately 250 individuals affected by a volcanic ashfall event each year.

Estimated Time per Response: We estimate the public reporting burden will average 5 minutes per response. This includes the time for reviewing instructions, and answering a web-based questionnaire.

Estimated Annual Burden Hours: 21 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have not identified any ''non-hour cost'' burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. Please note that the comments submitted in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Aimee Devaris,

USGS Regional Director, Alaska Area.

[FR Doc. 2016–02867 Filed 2–11–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX16EE000101100]

National Geospatial Advisory Committee; Charter Renewal

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Secretary of the Interior has renewed the National Geospatial Advisory Committee (Committee), in accordance with Section 14(b) of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey, phone: 206–220–4621, email: *jmahoney@usgs.gov.*

SUPPLEMENTARY INFORMATION: The Committee provides advice and recommendations to the Federal Geographic Data Committee (FGDC), through the FGDC Chair (the Secretary of the Interior or designee), related to management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16 and Executive Order 12906. The Committee will review and comment upon geospatial policy and management issues and will provide a forum to convey views representative of non-Federal partners in the geospatial community. The Committee will conduct its operations in accordance with the provisions of the FACA.

Certification

I hereby certify that the National Geospatial Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior by Office of Management and Budget (OMB) Circular A–16 (Revised), ''*Coordination of Geographic Information and Related Spatial Data Activities.*'' The Committee will assist the Department of the Interior by providing advice and recommendations related to the management of Federal geospatial programs and the development of the National Spatial Data Infrastructure.

Dated: January 19, 2016.

Sally Jewell,

Secretary of the Interior.

[FR Doc. 2016–02893 Filed 2–11–16; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/ A0A501010.999900]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Crow Creek Sioux Tribe and the State of South Dakota)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the extension of the Class III gaming compact between the Crow Creek Sioux Tribe and the State of South Dakota.

DATES: Effective February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: An extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not modify any other terms of the compact. See Pursuant to 25 CFR 293.5. The Crow Creek Sioux

Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact until June 23, 2016. This publishes notice of the new expiration date of the compact.

Dated: February 3, 2016.

Lawrence R. Roberts,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2016–02917 Filed 2–11–16; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–933]

Certain Stainless Steel Products, Certain Processes for Manufacturing or Relating to Same, and Certain Products Containing Same; Notice of Commission Determination To Review an Initial Determination Granting in Part a Motion for Default and Other Relief and, on Review, To Affirm the Default Finding; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (''ID'') (Order No. 17) by the presiding administrative law judge (''ALJ'') finding Viraj Profiles Limited (''Viraj'') in default for spoliation of evidence and ordering the disgorgement of complainants' operating practices in Viraj's possession. On review, the Commission has determined to affirm the default finding as to Viraj. The Commission requests certain briefing from the parties on the remaining issues under review, as indicated in this notice. The Commission also requests briefing from the parties and interested persons on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3438. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 10, 2014, based on a complaint filed by Valbruna Slater Stainless, Inc. of Fort Wayne, Indiana; Valbruna Stainless Inc., of Fort Wayne, Indiana; and Acciaierie Valbruna S.p.A. of Italy (collectively, ''Valbruna''). 79 FR 61339 (Oct. 10, 2014). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain stainless steel products, certain processes for manufacturing or relating to same, and certain products containing same by reason of the misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation names as respondents Viraj Profiles Limited of Mumbai, India; Viraj Holdings P. Ltd. of Mumbai, India; Viraj—U.S.A., Inc. of Garden City, New York; Flanschenwerk Bebitz GmbH of Könnern, Germany; Bebitz Flanges Works Pvt. Ltd. of Maharashtra, India; Bebitz U.S.A. of Garden City, New York; and Ta Chen Stainless Pipe Co., Ltd. of Tainan, Taiwan and Ta Chen International, Inc. of Long Beach, California (''Ta Chen''). *Id.* The Office of Unfair Import Investigations (''OUII'') also was named as a party to the investigation. *Id.*

On September 8, 2015, Valbruna filed a motion for default and other relief for Viraj's failure to make and cooperate in discovery, intentional concealment and failure to preserve dispositive evidence, and misrepresentations to Valbruna and the Commission. On September 17, 2015, OUII filed a response in support of Valbruna's motion. On September 18, 2015, Viraj filed a response opposing the motion.

On December 8, 2015, the ALJ issued the subject ID (Order No. 17), granting in part Valbruna's motion for default and other relief. The ALJ found that Viraj acted in bad faith in spoliating evidence and that a sanction of default against Viraj was warranted. The ALJ also ordered Viraj to disgorge any Valbruna operating practices in its possession. The ALJ denied Valbruna's request to assert certain operating practices that the ALJ had previously excluded.

On December 16, 2015, Viraj filed a petition for review. Ta Chen also filed a petition for review, arguing that it is entitled to an evidentiary hearing. On December 23, 2015, Valbruna and OUII each filed responses to both petitions. Valbruna's response included a request for immediate entry of relief against Viraj.

Having examined the record of this investigation, including the ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID. Specifically, the Commission has determined to review the ID's finding of default for spoliation of evidence as to Viraj and the ID's order that Viraj disgorge any Valbruna operating practices in its possession. On review, the Commission affirms the default finding, with supplemental reasoning described in a forthcoming opinion. The Commission clarifies that the default finding against Viraj does not preclude the remaining respondents from participating in an evidentiary hearing and contesting the allegations at issue in the investigation. The Commission expects the stay of the procedural schedule to be lifted.

In connection with its review, the Commission requests responses to the following questions only. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. Please provide an analysis of the Commission's authority to (1) order Viraj to disgorge any Valbruna operating practices in its possession as a sanction for spoliation of evidence and (2) enforce such an order. Discuss the Commission's jurisdiction to order disgorgement by a foreign entity.

2. Please discuss whether the circumstances here provide the grounds for the issuance of immediate entry of relief against Viraj under Commission Rule 210.16(c).

In connection with the final disposition of Order No. 17, the Commission may determine that immediate relief against Viraj is warranted. If so, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue a cease and desist order that could result in Viraj being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered.

Please include in the submission a discussion of the appropriate duration of the remedy, if any, supported by the factual record. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (Dec. 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants are requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the HTSUS numbers under which the accused products are imported, and provide identification information for all known importers of the subject articles. Initial written submissions and proposed remedial orders must be filed no later than close of business on Thursday, February 18, 2016. Initial written submissions by the parties shall be no more than 40 pages, excluding any attachments or exhibits. Reply submissions must be filed no later than the close of business on Thursday, February 25, 2016. Reply submissions by the parties shall be no more than 25 pages, excluding any attachments or exhibits. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–933'') in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*).

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 nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 8, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–02869 Filed 2–11–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–534–538 and 731–TA–1274–1278 (Final)]

Certain Corrosion-Resistant Steel Products From China, India, Italy, Korea, and Taiwan; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–534–538 and 731–TA–1274–1278 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain corrosion-resistant steel products from China, India, Italy, Korea, and Taiwan,[1] provided for in subheadings 7210.30.00, 7210.41.00, 7210.49.00, 7210.61.00, 7210.69.00, 7210.70.60, 7210.90.10, 7210.90.60, 7210.90.90, 7212.20.00, 7212.30.10, 7212.30.30, 7212.30.50, 7212.40.10, 7212.40.50, 7212.50.00, 7212.60.00, 7215.90.10, 7215.90.30, 7215.90.50, 7217.20.15, 7217.30.15, 7217.90.10, 7217.90.50, 7225.91.00, 7225.92.00, 7226.99.01, 7228.60.60, 7228.60.80, and 7229.90.10 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be subsidized and sold at less-than-fair-value.[2]

DATES: *Effective Date:* January 4, 2016.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202) 205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting

[1] The Department of Commerce has preliminarily determined that countervailable subsidies are not being provided to producers and exporters of certain corrosion-resistant steel products from Taiwan and that imports of certain corrosion-resistant steel products from Taiwan are not being and are not likely to be sold in the United States at less than fair value.

[2] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as certain corrosion-resistant steel products. For a full description of the scope of these investigations, including product exclusions, see *Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products From the People's Republic of China: Preliminary Affirmative Determination,* 80 FR 68843, November 6, 2015.

the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China, India, Italy, and Korea of certain corrosion-resistant steel products, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on June 3, 2015, by United States Steel Corporation (Pittsburgh, Pennsylvania), Nucor Corporation (Charlotte, North Carolina), Steel Dynamics Inc. (Fort Wayne, Indiana), California Steel Industries (Fontana, California), ArcelorMittal USA LLC (Chicago, Illinois), and AK Steel Corporation (West Chester, Oregon).

Although the Department of Commerce has preliminarily determined that imports of certain corrosion-resistant steel products from Taiwan are not being and are not likely to be subsidized and sold in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b) [3] so that the final phase of the investigations may proceed concurrently in the event that Commerce makes final affirmative antidumping and countervailing duty determinations with respect to such imports.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list. Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report. The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 12, 2016, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing. The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Thursday, May 26, 2016, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 20, 2016. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on May 24, 2016, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions. Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 19, 2016. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 3, 2016. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before June 3, 2016. On June 17, 2016, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 21, 2016, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all

[3] Section 207.21(b) of the Commission's rules provides that, where the Department of Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 9, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–02914 Filed 2–11–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–16–004]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 19, 2016 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436,Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–551–553 and 731–TA–1307–1308 (Preliminary)(Certain New Pneumatic Off-the-Road Tires from China, India, and Sri Lanka). The Commission is currently scheduled to complete and file its determinations on February 22, 2016; views of the Commission are currently scheduled to be completed and filed on February 29, 2016.
5. Vote in Inv. Nos. 701–TA–469 and 731–TA–1168 (Review)(Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from China). The Commission is currently scheduled to completed and file its determinations and views of the Commission on February 29, 2016.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: February 10, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–03096 Filed 2–10–16; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–770–773 and 775 (Third Review)]

Stainless Steel Wire Rod From Italy, Japan, Korea, Spain, and Taiwan; Revised Schedule for the Subject Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: Effective Date: 5/8/2016.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective January 6, 2016, the Commission established a schedule for the conduct of the final phase of the subject reviews (81 FR 1642, January 13, 2016). The Commission is revising its schedule.

The Commission's new schedule for the reviews are is as follows: The prehearing staff report will be placed in the nonpublic record on May 2, 2016; the deadline for filing prehearing briefs is May 10, 2016; requests to appear at the hearing must be filed with the Secretary to the Commission not later than May 11, 2016; the prehearing conference will be held at the U.S. International Trade Commission Building on May 16, 2016, if deemed necessary; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 18, 2016; the deadline for filing posthearing briefs is May 27, 2016; the Commission will make its final release of information on June 27, 2016; and final party comments are due on June 29, 2016.

For further information concerning these reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 9, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–02897 Filed 2–11–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Noramco, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before April 12, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODXL, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on August 4, 2015, Noramco, Inc., 1440 Olympic Drive, Athens, Georgia 30601, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Morphine-N-oxide (9307)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium tincture (9630)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Dated: January 27, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–02863 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0036]

Agency Information Collection Activities; Proposed eCollection eComments Requested; FFL Out of Business Records Request (ATF F 5300.3A)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 12, 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 Tracey Robertson, Acting Chief, Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405 at email or telephone: *Tracey.Robertson@atf.gov* or (304) 616–4647.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection* (check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* FFL Out of Business Records Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 5300.3A.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Businesses or other for profit.

Other (if applicable): None.

Abstract: The form is used by ATF to notify licensees that go out of business to send their firearms related business records to the ATF, if the business discontinuance is absolute, or to allow the licensee to notify ATF of the successor who will be maintaining control of their firearms related records. The questions are simple and a return address is supplied. The format is easy for the user to list the required information ATF needs to perform its functions in regard to the law.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,745 respondents will take 5 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 228.75 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 9, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02910 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0066]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Manufacturers of Ammunition, Records and Supporting Data of Ammunition Manufactured and Disposed of

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 80 *FR* 77022, on December 11, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 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 Rinell Lawrence, Firearms Enforcement Specialist, Firearms Industry Program, 99 New York Avenue NE. 20226 at email: *Fipb-informationcollection@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Manufacturers of Ammunition, Records and Supporting Data of Ammunition Manufactured and Disposed of.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: ATF uses manufacturer's records information during investigations, inspections for criminal activity, or for compliance purposes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 159 respondents will take two (2) minutes (.033 hours) to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5.25 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 9, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02936 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0092]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Voluntary Magazine Questionnaire for Agencies/Entities Who Store Explosive Materials

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 80 *FR* 78767, on December 17, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 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 Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, 99 New York Ave. NE., Washington, DC 20226 at email: *Anita.Scheddel@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Voluntary Magazine Questionnaire for Agencies/Entities Who Store Explosive Materials.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Agencies/Entities Who Store Explosive Materials.

Other: None.

Abstract: The purpose of the form is to identify the number and locations of public explosives storage facilities (magazines), including those facilities used by State and local law enforcement.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,000 respondents will take 30 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 500 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 9, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02898 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0001]

Agency Information Collection Activities; Proposed eCollection eComments Requested; ATF Distribution Center Survey (ATF F 1370.4)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, DOJ.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 80 FR 77021, on December 11, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 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 John Sickler, Visual Information Services Branch, 99 New York Ave. NE., Washington, DC 20226 at email: *john.sickler@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Extension of a currently approved ollection.

2. *The Title of the Form/Collection:* ATF Distribution Center Contractor Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 1370.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individuals or households.

Abstract: The form is used to evaluate the ATF Distribution Center, and the services it provides to the users of ATF forms and publications.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 240 respondents will take 1 minute to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 4 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 9, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02935 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Tobacco Inventory Report (ATF Form 5200.25)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 12, 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 George Fodor, Office of Regulatory Affairs, Office of Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Ave. NE., Washington, DC 20226 at telephone: 202–648–7994.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection (*check justification or form 83): New Collection.

2. *The Title of the Form/Collection:* Tobacco Inventory Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5200.25.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Businesses or other for-profit.

Other (if applicable): None.

Abstract: The amendment to the CCTA requires a person who sells more than 10,000 cigarettes or more than 500 single-unit consumer-sized cans or packages of smokeless tobacco per month and conducts non-face-to-face consumer sales must report to ATF specific information regarding their inventory and those sales.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 3000 respondents will take 1 hour to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 36,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 8, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02818 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Contraband Cigarette Trafficking Act Delivery Sale Information Form—Schedule B (ATF Form 5200.26)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until April 12, 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 George Fodor, Office of Regulatory Affairs, Office of Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Ave. NE., Washington, DC 20226 at telephone: 202–648–7994.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection (*check justification or form 83): New Collection.

2. *The Title of the Form/Collection:* Contraband Cigarette Trafficking Act Delivery Sale Information Form—Schedule B

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5200.26.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business.

Other (if applicable): None.

Abstract: The amendment to the CCTA requires a person who sells more than 10,000 cigarettes or more than 500 single-unit consumer-sized cans or packages of smokeless tobacco per month and conducts non-face-to-face consumer sales must report to ATF specific information regarding their inventory and those sales.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 3,000 respondents will take 1 hour to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 36,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 8, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02819 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0038]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Reporting and Recordkeeping for Digital Certificates

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 April 12, 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:* Reporting and Recordkeeping for Digital Certificates.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form Number:

DEA Form 251: CSOS DEA Registrant Certificate Application.

DEA Form 252: CSOS Principal Coordinator/Alternate Coordinator Certificate Application.

DEA Form 253: CSOS Power of Attorney Certificate Application.

DEA Form 254: CSOS Certificate Application Registrant List Addendum.

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: The DEA collects information in regards to reporting and recordkeeping for digital certificates. The application for a digital certificate is required to ensure that the person applying for the certificate is either a DEA registrant or someone who has power of attorney from a DEA registrant to sign orders for Schedule I and II substances. The DEA Certification Authority uses the information to verify the person's identity and eligibility to hold a DEA-issued digital certificate.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates a total of 9,812 respondents. The average time to respond: 1.5 hours.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 29,802 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: February 8, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–02817 Filed 2–11–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health Charter Amendment.

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA); Notice of Charter Amendment.

SUMMARY: In accordance with section 3687 of Public Law 106–398, which was added by section 3141(a) of the National Defense Authorization Act (NDAA) of 2015, Executive Order 13699 (June 26, 2015), and the provisions of the Federal Advisory Committee Act and its implementing regulations issued by the General Services Administration (GSA), the Advisory Board on Toxic Substances and Worker Health was established on July 2, 2015. A Charter and Membership Balance Plan were filed in accordance with the Federal Advisory Committee Act (FACA).

The new provision added to EEOICPA by the NDAA specifies that the Director of the Advisory Board's staff must be a member of the Senior Executive Service (SES). This individual will also perform the duties of the Designated Federal Officer (DFO). The original Charter for the Advisory Board specified that the DFO would be the Office of Workers' Compensation Programs (OWCP) Comptroller, a member of the SES. OWCP now amends the Charter to specify that the DFO is a member of the SES from OWCP, but not the Program Director of the EEOICPA program. The amended Charter has been filed in accordance with FACA.

FOR FURTHER INFORMATION CONTACT: You may contact Antonio Rios, Designated Federal Officer, Advisory Board on Toxic Substances and Worker Health, Office of Workers' Compensation Programs, at *rios.antonio@dol.gov,* or Carrie Rhoads, Office of Workers' Compensation Programs, at

rhoads.carrie@dol.gov, U.S. Department of Labor, 200 Constitution Avenue NW., Suite S–3524, Washington, DC 20210, telephone (202) 343–5580.

This is not a toll-free number.

Signed at Washington, DC, this 5th day of February, 2016.

Leonard J. Howie III,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2016–02859 Filed 2–11–16; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–009)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Wednesday, February 24, 2016, 1:00–2:30 p.m., Local Time.

ADDRESSES: NASA Kennedy Space Center, Headquarters Building, Room 2201, Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Aerospace Safety Advisory Panel Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4452 or *mnorris@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2016. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Exploration Systems Development
—Updates on the Commercial Crew Program
—Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number (800) 857–7040; pass code 7896588. Attendees will be required to sign a visitor's register and to comply with NASA KSC security requirements, including the presentation of a valid picture ID and a secondary form of ID, before receiving an access badge. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from noncompliant states/territories must present a second form of ID. Noncompliant states/territories are American Samoa, Illinois, Minnesota, Missouri, New Mexico, and Washington. All U.S. citizens desiring to attend the ASAP 2016 First Quarterly Meeting at the Kennedy Space Center must provide their full name, date of birth, place of birth, social security number, company affiliation and full address (if applicable), residential address, telephone number, driver's license number, email address, country of citizenship, and naturalization number (if applicable) to the Kennedy Space Center Protective Services Office no later than close of business on February 18, 2016.

All non-U.S. citizens must submit their name; current address; driver's license number and state (if applicable); citizenship; company affiliation (if applicable) to include address, telephone number, and title; place of birth; date of birth; U.S. visa information to include type, number, and expiration date; U.S. Social Security Number (if applicable); Permanent Resident (green card) number and expiration date (if applicable); place and date of entry into the U.S.; and passport information to include country of issue, number, and expiration date, to the Kennedy Space Center Protective Services Office no later than close of business on February 11, 2016. If the above information is not received by the noted dates, attendees should expect a minimum delay of two (2) hours. All visitors to this meeting will be required to process in through the KSC Badging Office, Building M6–0224, located just outside of KSC Gate 3, on SR 405, Kennedy Space Center, Florida. Please provide the appropriate data required above by email to Tina Delahunty at *tina.delahunty@nasa.gov* or fax 321–867–7206, noting at the top of the page ''Public Admission to the NASA Aerospace Safety Advisory Panel Meeting at KSC.'' For security questions, please email Tina Delahunty at *tina.delahunty@nasa.gov.*

At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Marian Norris at *mnorris@nasa.gov* or at (202) 358–4452 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2016–02886 Filed 2–11–16; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–008)]

NASA International Space Station Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA International Space Station (ISS) Advisory Committee. The purpose of the meeting is to review all aspects related to the safety and operational readiness of the ISS, and to assess the possibilities for using the ISS for future space exploration.

DATES: Tuesday, March 1, 2016, 2:00–3:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Glennan Conference Room (1Q39), 300 E Street SW., Washington, DC 20546. Note: 1Q39 is located on the first floor of NASA Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Finley, Office of International and Interagency Relations, (202) 358–5684, NASA Headquarters, Washington, DC 20546.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room. This meeting is also accessible via teleconference. To participate telephonically, please contact Mr. Finley (202) 358–5684 before 4:30 p.m. Local Time on February 26, 2016. Please provide your name, affiliation, and phone number.

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to

Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the ''List of the Acceptable Documents'' on Form I–9]. Non-compliant states/territories are: American Samoa, Illnois, Minnesota, Missouri, New Mexico and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Mr. Finley via email at *patrick.t.finley@nasa.gov* or by telephone at (202) 358–5684. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Mr. Finley. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2016–02885 Filed 2–11–16; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–014)]

NASA Advisory Council; Science Committee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Thursday, March 10, 2016, 9:00 a.m. to 5:15 p.m., and Friday, March 11, 2016, 8:15 a.m. to 12:15 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 3H42, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may call the USA toll free conference call number 1–800–988–9663, passcode 8015, on both days, to participate in this meeting by telephone. Any interested person may call the toll number 1–517–308–9483, passcode 8015, on both days, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/*; the meeting number is 998 776 978 and the password is SC@Mar2016 for both days. The agenda for the meeting includes the following topics:

—Science Mission Directorate FY 2017 Budget Request
—Nexus for Exoplanet System Science
—Big Data Task Force

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the ''List of the Acceptable Documents'' on Form I–9]. Non-compliant states/territories are: American Samoa, Illinois, Minnesota, Missouri, New Mexico and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ann Delo via email at *ann.b.delo@nasa.gov* or by fax at (202) 358–2779. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ann Delo. It is imperative that this meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2016–02868 Filed 2–11–16; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2016–015]

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6, NARA announces the following committee meeting.

DATES: The meeting will be March 16, 2016, from 10:00 a.m. to 12:00 p.m. EST.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert Tringali, Program Analyst, by mail at ISOO, National Archives Building; 700 Pennsylvania Avenue NW., Washington, DC 20408, by telephone at (202) 357–5335, or by email at *robert.tringali@nara.gov*. Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov*.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss National Industrial Security Program

policy matters. The meeting will be open to the public. However, due to space limitations and access procedures, you must submit the name and telephone number of individuals planning to attend to the Information Security Oversight Office (ISOO) no later than Friday, March 11, 2016. ISOO will provide additional instructions for accessing the meeting's location.

Dated: February 8, 2016.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2016–02934 Filed 2–11–16; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*

SUPPLEMENTARY INFORMATION: On January 7 & 8, 2016 the National Science Foundation published notices in the **Federal Register** of a permit application received. The permits were issued on February 8, 2016 to:

1. Ari S. Friedlaender Permit No. 2016–024
2. Michael Gooseff Permit No. 2016–018

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2016–02835 Filed 2–11–16; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–99; Order No. 3066]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an additional 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:* February 16, 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:

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II. Notice of Commission Action
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I. Introduction

On February 5, 2016, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–99 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than February 16, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–99 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than February 16, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–02856 Filed 2–11–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, February 5, 2016 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–60; Order No. 3065]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Priority Mail Contract 85 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 16, 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:

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On February 5, 2016, the Postal Service filed notice that it has agreed to an amendment to the existing Priority Mail Contract 85 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the amendment as Attachment A (Amendment) 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 Amendment and supporting

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Contract 85, February 5, 2016 (Notice).

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. Notice at 1. The Amendment modifies the pricing structure of the discounts offered to the contract partner. *See Id.* Attachment A.

The Postal Service intends for the Amendment to become effective 2 business days after the date that the Commission completes its review of the Notice. *Id.* at 1. The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment B.

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 February 16, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie R. Ward 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. CP2014–60 for consideration of matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, the Commission appoints Natalie R. Ward 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 February 16, 2016.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–02855 Filed 2–11–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–74; Order No. 3064]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Priority Mail Express 19 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 16, 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
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On February 5, 2016, the Postal Service filed notice that it has agreed to an amendment to the existing Priority Mail Express Contract 19 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the amendment as Attachment A (Amendment) 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 Amendment 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. Notice at 1. The Amendment changes prices as contemplated by the terms of the original agreement. *Id.*

The Postal Service intends for the Amendment to become effective 2 business days after the date that the Commission completes its review of the Notice. *Id.* The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment B.

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 February 16, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller 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. CP2014–74 for consideration of matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller 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 February 16, 2016.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–02854 Filed 2–11–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Express Contract 19, February 5, 2016 (Notice).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rules 6a–1 and 6a–2, Form 1. SEC File No. 270–0017, OMB Control No. 3235–0017.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 6a–1 (17 CFR 240.6a–1), Rule 6a–2 (17 CFR 240.6a–2), and Form 1 (17 CFR 249.1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'' or Act'').

The Exchange Act sets forth a regulatory scheme for national securities exchanges. Rule 6a–1 under the Act generally requires an applicant for initial registration as a national securities exchange to file an application with the Commission on

Form 1. An exchange that seeks an exemption from registration based on limited trading volume also must apply for such exemption on Form 1. Rule 6a–2 under the Act requires registered and exempt exchanges: (1) To amend the Form 1 if there are any material changes to the information provided in the initial Form 1; and (2) to submit periodic updates of certain information provided in the initial Form 1, whether such information has changed or not. The information required pursuant to Rules 6a–1 and 6a–2 is necessary to enable the Commission to maintain accurate files regarding the exchange and to exercise its statutory oversight functions. Without the information submitted pursuant to Rule 6a–1 on Form 1, the Commission would not be able to determine whether the respondent has met the criteria for registration (or an exemption from registration) set forth in Section 6 of the Exchange Act. The amendments and periodic updates of information submitted pursuant to Rule 6a–2 are necessary to assist the Commission in determining whether a national securities exchange or exempt exchange is continuing to operate in compliance with the Exchange Act.

Initial filings on Form 1 by new exchanges are made on a one-time basis. The Commission estimates that it will receive approximately one initial Form 1 filing per year and that each respondent would incur an average burden of 880 hours to file an initial Form 1 at an average internal labor cost per response of approximately $302,694. Therefore, the Commission estimates that the annual burden for all respondents to file the initial Form 1 would be 880 hours (one response/respondent × one respondents × 880 hours/response) and an internal compliance cost of $302,694 (one response/respondent × one respondents × $302,694/response).

There currently are 18 entities registered as national securities exchanges. The Commission estimates that each registered or exempt exchange files nine amendments or periodic updates to Form 1 per year, incurring an average burden of 25 hours to comply with Rule 6a–2. The SEC estimates that the average internal labor cost for a national securities exchange per response would be approximately $9,445. The Commission estimates that the annual burden for all respondents to file amendments and periodic updates to the Form 1 pursuant to Rule 6a–2 is 4,050 hours (18 respondents × 25 hours/response × nine responses/respondent per year) and an internal compliance cost of $1,530,090 (18 respondents × $9,445/response × nine responses/respondent per year).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 8, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02833 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77077; File No. SR–NASDAQ–2016–014]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Retroactively Apply Recently-Reduced Port Fees

February 8, 2016

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1], and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2016, The NASDAQ Stock Market LLC (''Nasdaq'') 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 Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR [sic] § 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to retroactively apply recently-reduced port fees charged to members and non-members for ports used to enter orders into Nasdaq systems, in connection with the use of the FIX, RASH, and OUCH trading protocols under Nasdaq Rules 7015(b) and (g) beginning January 4, 2016.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to apply recently-reduced port fees charged to members and non-members for ports used to enter orders into Nasdaq systems, in connection with the use of the FIX, RASH, and OUCH trading protocols under Nasdaq Rules 7015(b) and (g) during the period from January 4, 2016 to January 19, 2016.

Effective January 4, 2016, Nasdaq increased fees for FIX Ports under Rule 7015(b) and for RASH and OUCH Ports under Rule 7015(g) from $550 per port, per month to $575 per port, per month.[3] Nasdaq increased the fees to offset costs associated with upgrading these ports with new field-programmable gate array (''FPGA'') technology, which is a hardware-delivery mechanism that provides improved performance in terms of predictability.[4] Nasdaq implemented the new FPGA hardware

[3] *See* SR–NASDAQ–2016–001, which was withdrawn by Nasdaq on January 19, 2016 (available at *http://nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2016/SR–NASDAQ–2016–001.pdf*).

[4] FPGA hardware is able to process more data packets during peak market conditions without the introduction of variable queuing latency, which improves the predictability of telecommunications ports over non-FPGA hardware and thereby adds value to the user.

in mid-December 2015 and increased the related port fees on January 4, 2016.[5]

Nasdaq recently encountered a few unforeseen minor, but not easily rectifiable, issues with the new implementation that potentially could have a greater impact on the market. As a consequence, Nasdaq determined that the risk associated with keeping the FPGA technology in terms of potential disruption to trading outweighed the benefit provided in terms of increased performance. Effective January 7, 2016, Nasdaq removed the FPGA hardware and reverted all FIX, RASH, and OUCH ports to the infrastructure that was in place prior to the upgrade to those ports. Nasdaq also filed a rule change with the Commission to reduce the fees assessed for FIX, RASH, and OUCH ports back to their lower levels of $550 per port, per month, which was effective January 19, 2016.[6]

Nasdaq proposes to apply the reduced fees of $550 per port, per month during the period from January 4, 2016 to their reduction on January 19, 2016, effectively eliminating any fee increase for FIX, RASH, and OUCH ports. Subscribers to the affected ports did not enjoy the benefit of the improved hardware for any significant time, as the issues with the ports began to manifest themselves on December 30, 2015 up to the point at which Nasdaq determined to remove the hardware and revert the ports back to the infrastructure in place before. Thus, Nasdaq believes that it is inappropriate to apply the higher fees at any point during January 2016.[7]

2. Statutory Basis

This proposal is consistent with the provisions of section 6 of the Act,[8] in general, and with sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Retroactively applying the lower fees that were assessed prior to the upgrade to the FIX, RASH and OUCH ports effective January 4, 2016 is reasonable because the improved hardware did not provide a trouble-free benefit to subscribers for a significant time during the month of January 2016. Nasdaq did not provide an improved service for the ports in return for the increased fees paid during the period from January 4, 2016 to their reduction on January 19, 2016. The basis for the increased fees was the costs associated with purchasing hardware (capital expenditures) and supporting and maintaining the infrastructure (operating expenditures) for the FPGA enhancement. Thus, retroactively applying the reduced pre-upgrade fee is reasonable.

Applying the lower pre-upgrade fees retroactively is both an equitable allocation and not unfairly discriminatory because it will apply uniformly to all market participants that subscribed to FIX Ports under Rule 7015(b), and OUCH and RASH Ports under Rule 7015(g) during the timeframe of January 4, 2016 to January 19, 2016 based on the number of such ports subscribed. Accordingly, all subscribers to the ports under Rule 7015(b) and (g) will be assessed the fees in place prior to the increase, since they did not realize a significant and trouble-free benefit from the hardware.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, Nasdaq notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable.

Nasdaq proposes to retroactively apply a lower fee since it did not provide the improved connectivity trouble-free for a significant time. Thus, Nasdaq does not believe that proposal places any burden on competition, but rather reduces fees assessed subscribers to a service, which will help maintain Nasdaq's competitiveness among equities markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

In its filing, Nasdaq requested that the Commission waive the 30-day operative delay so that Nasdaq may implement the fee reduction prior to the end of its monthly billing cycle. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Nasdaq bills its members at the end of the month, and, as of the time of filing, it had not yet assessed the higher port fees put in place by SR–NASDAQ–2016–001. Waiver of the 30-day operative delay will not only allow Nasdaq to manage its billing process more efficiently, but it will also ensure that subscribers are not charged erroneous and inflated fees. For this reason, the Commission designates the proposed rule change to be operative upon filing.[12]

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:

[5] *See* note 3 above.

[6] *See* SR–NASDAQ–2016–007, which has not yet been published in the **Federal Register** (available at *http://nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2016/SR–NASDAQ–2016–007.pdf*). The Commission notes that this filing was subsequently withdrawn, because it was deemed unnecessary. Nasdaq's withdrawal of SR–NASDAQ–2016–001 effectively caused the rule text to revert to the lower fees that were in place prior to January 4, 2016. *See* note 3.

[7] Nasdaq bills in arrears for the connectivity provided under Rule 7015. Thus, subscribers have not yet been billed at the higher rate in place from January 4, 2016 to January 19, 2016.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NASDAQ–2016–014 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–NASDAQ–2016–014. 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 Nasdaq's principal office. 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–NASDAQ–2016–014 and should be submitted on or before March 4, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02837 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR [sic] § 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77078; File No. SR–BATS–2016–04]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of a Proposed Rule Change to Rule 14.11(i), Managed Fund Shares, To List and Trade Shares of the SPDR DoubleLine Short Term Total Return Tactical ETF of the SSgA Active Trust

February 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 4, 2016, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') 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 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 is proposing a rule change to list and trade shares of the SPDRDoubleLine Short Term Total Return Tactical ETF (the ''Fund'') of the SSgA Active Trust (the ''Trust'') under BATS Rule 14.11(i) (''Managed Fund Shares''). The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares under BATS Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange.[3] The Fund will be an actively managed fund. The Shares will be offered by the Trust, which was established as a Massachusetts business trust on March 30, 2011. The Trust is registered with the Commission as an open-end investment company and has filed a registration statement on behalf of the Fund on Form N–1A (''Registration Statement'') with the Commission.[4]

Description of the Shares and the Fund

SSGA Funds Management, Inc. will be the investment adviser (''SSGA FM'' or ''Adviser'') to the Fund. The Adviser will serve as the administrator for the Fund (the ''Administrator''). DoubleLine Capital LP will be the Fund's sub-adviser (''Sub-Adviser''). State Street Global Markets, LLC (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. State Street Bank and Trust Company (the ''Sub-Administrator'', ''Custodian'', ''Transfer Agent'' or ''Lending Agent'') will serve as sub-administrator, custodian, transfer agent, and, where applicable, lending agent for the Fund.

BATS Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[5] In addition, Rule

[3] The Commission approved BATS Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[4] *See* Registration Statement on Form N–1A for the Trust, dated October 8, 2015 (File Nos. 333–173276 and 811–22542). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') (the ''Exemptive Order''). *See* Investment Company Act Release No. 29524 (December 13, 2010) (File No. 812–13487).

[5] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel as well as the Sub-Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the

Continued

14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable investment company portfolio. Rule 14.11(i)(7) is similar to BATS Rule 14.11(b)(5)(A)(i), however, Rule 14.11(i)(7) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser and Sub-Adviser are not registered as a broker-dealer but the Adviser is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. The Sub-Adviser is not affiliated with a broker-dealer. In the event (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

SPDR DoubleLine Short Term Total Return Tactical ETF

According to the Registration Statement, the Fund will seek to maximize current income with a dollar-weighted average effective duration between one and three years. To achieve its objective, the Fund will invest, under normal circumstances,[6] in a diversified portfolio of fixed income securities of any credit quality subject to certain limitations as described further below. The Fund is an actively-managed fund that does not seek to replicate the performance of a specified index.

The Sub-Adviser will monitor the duration of the securities held by the Fund to seek to mitigate exposure to interest rate risk.[7] Under normal circumstances, the Sub-Adviser will seek to maintain an investment portfolio with a weighted average effective duration between 1 and 3 years. The duration of the portfolio may vary materially from its target, from time to time.

The Sub-Adviser will actively manage the Fund's asset class exposure using a top-down approach based on analysis of sector fundamentals and rotate Fund assets among sectors in various markets to attempt to maximize return. Individual securities within asset classes will be selected using a bottom-up approach. Under normal circumstances, the Sub-Adviser will use a controlled risk approach in managing the Fund's investments. The techniques of this approach attempt to control the principal risk components of the fixed income markets and include consideration of: Security selection within a given sector; relative performance of the various market sectors; the shape of the yield curve; and fluctuations in the overall level of interest rates. In certain situations or market conditions, the Fund may temporarily depart from its normal investment policies and strategies provided that the alternative is in the best interest of the Fund. For example, the Fund may hold a higher than normal proportion of its assets in cash in times of extreme market stress.

Principal Holdings

The Fund intends to achieve its investment objective by investing, under normal circumstances, at least 80% of its net assets in a diversified portfolio of Fixed Income Securities, as defined below, subject to certain limits described below. For purposes of this filing, Fixed Income Securities are defined as the following instruments: Securities issued or guaranteed by the U.S. government or its agencies, instrumentalities or sponsored corporations; inflation protected public obligations of the U.S. Treasury (''TIPS''); securities issued or guaranteed by state or local governments or their agencies or instrumentalities (commonly known as municipal bonds);[8] asset backed securities (''ABS'') (which include the following: Agency and non-agency residential mortgage-backed securities (''RMBS''),[9] agency and non-agency commercial mortgage-backed securities (''CMBS''), and any other agency and non-agency asset-backed securities (''NAABS'');[10] collateralized debt obligations (''CDOs''); collateralized loan obligations (''CLOs''); collateralized bond obligations (''CBOs''); collateralized mortgage obligations (''CMOs''); and Real Estate Mortgage Investment Conduits (''REMICs'') and

Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[6] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[7] Duration is a measure used to determine the sensitivity of a security's price to changes in interest rates. The longer a security's duration, the more sensitive it will be to changes in interest rates.

[8] Municipal securities are securities issued by states, municipalities and other political subdivisions, agencies, authorities and instrumentalities of states and multi-state agencies or authorities. The municipal securities which the Portfolio Fund may purchase include general obligation bonds and limited obligation bonds (or revenue bonds), including industrial development bonds issued pursuant to former federal tax law. General obligation bonds are obligations involving the credit of an issuer possessing taxing power and are payable from such issuer's general revenues and not from any particular source. Limited obligation bonds are payable only from the revenues derived from a particular facility or class of facilities or, in some cases, from the proceeds of a special excise or other specific revenue source. Also included within the general category of municipal securities are municipal leases, certificates of participation in such lease obligations or installment purchase contract obligations.

[9] For example, the Fund may invest a substantial portion of its assets in U.S. agency mortgage pass-through securities. The term ''U.S. agency mortgage pass-through security'' refers to a category of pass-through securities backed by pools of mortgages and issued by one of several U.S. Government-sponsored enterprises: Ginnie Mae, Fannie Mae or Freddie Mac. The Fund may seek to obtain exposure to U.S. agency mortgage pass-through securities through the use of ''to-be-announced'' or ''TBA transactions.'' ''TBA'' refers to a commonly used mechanism for the forward settlement of U.S. agency mortgage pass-through securities, and not to a separate type of mortgage-backed security. Transactions in mortgage pass-through securities may occur through the use of TBA transactions.

[10] The term NAABS is used by the Fund to describe securities backed by installment contracts, credit-card receivables or other assets but does not include either residential or commercial mortgage-backed securities. Both asset-backed and commercial mortgage-backed securities represent interests in ''pools'' of assets in which payments of both interest and principal on the securities are made on a regular basis. NAABS also include institutionally traded senior floating rate debt obligations issued by asset-backed pools and other issues, and interests therein.

Re-REMICs (which are REMICs that have been resecuritized) [11]); stripped securities; [12] zero coupon securities; foreign (including emerging markets) and domestic corporate bonds; sovereign debt; bank loans; [13] preferred securities; and exchange traded products (''ETPs'') that invest in Fixed Income Securities.[14] To the extent applicable, debt instruments that comprise Fixed Income Securities may be either fixed rate securities, floating securities,[15] or variable rate securities.[16]

The Fund intends to invest at least 25% of its net assets in mortgage-backed securities of any maturity or type guaranteed by, or secured by collateral that is guaranteed by, the United States Government, its agencies, instrumentalities or sponsored corporations. The Fund also may invest in privately issued mortgage-backed securities of any rating assigned by Moody's Investor Service, Inc. (''Moody's'') or Standard & Poor's Rating Service (''S&P'') or assigned by any other nationally recognized statistical rating organization (''NRSRO'') or in unrated securities that are determined by the Sub-Adviser to be of comparable quality.

The Fund may invest up to 20% of its net assets in the aggregate in non-agency ABS.

The Fund may invest in U.S. Government obligations. U.S. Government obligations are a type of bond. U.S. Government obligations include securities issued or guaranteed as to principal and interest by the U.S. Government, its agencies, instrumentalities, or sponsored corporations. The Fund may also invest in TIPS of the U.S. Treasury. TIPS are a type of security issued by a government that are designed to provide inflation protection to investors.

The Fund may invest in corporate bonds.[17] The investment return of corporate bonds reflects interest on the bond and changes in the market value of the bond. The market value of a corporate bond may be affected by the credit rating of the corporation, the corporation's performance and perceptions of the corporation in the market place. Such corporate bonds may be investment grade or may be below investment grade. The Fund may invest up to 20% of its net assets in corporate high yield securities (commonly known as ''junk bonds'').

The Fund may invest in sovereign debt. Sovereign debt obligations are issued or guaranteed by foreign governments or their agencies. Sovereign debt may be in the form of conventional securities or other types of debt instruments such as loans or loan participations. Sovereign debt obligations may be either investment grade or below investment grade.

The Fund may invest in bank loans, which include floating rate loans [18] Bank loan interests may be acquired from U.S. or foreign commercial banks, insurance companies, finance companies or other financial institutions that have made loans or are members of a lending syndicate or from other holders of loan interests. Bank loans typically pay interest at rates which are re-determined periodically on the basis of a floating base lending rate (such as the London Inter-Bank Offered Rate) plus a premium. Bank loans are typically of below investment grade quality. Bank loans generally (but not always) hold the most senior position in the capital structure of a borrower and are often secured with collateral. The Fund may invest in both secured and unsecured loans.

The Fund may invest in CDOs, CLOs, CMOs, and CBOs. A CLO is a financing company (generally called a Special Purpose Vehicle or ''SPV''), created to reapportion the risk and return characteristics of a pool of assets. While the assets underlying CLOs are typically bank loans, the assets may also include: (i) Unsecured loans, (ii) other debt securities that are rated below investment grade, (iii) debt tranches of other CLOs, and (iv) equity securities incidental to investments in bank loans. When investing in CLOs, the Fund will not invest in equity tranches, which are the lowest tranche. However, the Fund may invest in lower debt tranches of CLOs, which typically experience a lower recovery, greater risk of loss, or deferral or non-payment of interest than more senior debt tranches of the CLO. In addition, the Fund intends to invest in CLOs consisting primarily of individual bank loans of borrowers and not repackaged CLO obligations from other high risk pools. The underlying bank loans purchased by CLOs are generally performing at the time of purchase but may become non-performing, distressed or defaulted. CLOs with underlying assets of non-performing, distressed or defaulted loans are not contemplated to comprise a significant portion of the Fund's investments in CLOs. A CBO is a trust which is backed by a diversified pool of below investment grade fixed income securities. CMOs are debt obligations collateralized by mortgage loans or mortgage pass-through securities.

The Fund may purchase exchange-traded or OTC preferred securities. Preferred securities pay fixed or adjustable rate dividends to investors and have preference over common stock in the payment of dividends and the liquidation of a company's assets.

The Fund may invest in ETPs that invest in Fixed Income Securities, which include exchange traded funds registered under the 1940 Act and exchange traded notes.[19] The Adviser

[11] A REMIC is an entity that holds a fixed pool of mortgages and issues multiple classes of interests in itself to investors and is treated like a partnership for federal income tax purposes with its income passed through to its interest holders. REMICs hold commercial and residential mortgages in trust and issue interests in those mortgages to investors through bonds or other securities.

[12] Stripped securities are securities composed of the separate income of principal components of a debt security. For example, stripped mortgage securities are created when the interest and principal components of a mortgage security are separated and sold as individual securities.

[13] The Fund may invest up to 20% of its portfolio in junior bank loans.

[14] For purposes of this filing, ETPs include those securities described in BATS Rule 14.11. The Fund may invest in certain ETPs that pay fees to the Adviser and its affiliates for management, marketing or other services. The ETPs all will be listed and traded in the U.S. on national securities exchanges. While the Fund may invest in inverse ETPs, the Fund will not invest in leveraged or inverse leveraged ETPs (*e.g.,* 2X or 3X).

[15] A floating rate security provides for the automatic adjustment of its interest rate whenever a specified interest rate changes. Interest rates on these securities are ordinarily tied to, and are a percentage of, a widely recognized interest rate, such as the yield on 90-day US Treasury bills or the prime rate of a specified bank. These rates may change as often as twice daily.

[16] Variable rate securities are instruments issued or guaranteed by entities such as: (1) The U.S. Government, or an agency or instrumentality thereof; (2) states, municipalities and other political subdivisions, agencies, authorities and instrumentalities of states and multi-state agencies or authorities; (3) corporations; (4) financial institutions; (5) insurance companies; or (6) trusts that have a rate of interest subject to adjustment at regular intervals but less frequently than annually. A variable rate security provides for the automatic establishment of a new interest rate on set dates. Variable rate obligations whose interest is readjusted no less frequently than annually will be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate.

[17] While the Fund is permitted to invest without restriction in corporate bonds, the Sub-Adviser expects that, under normal circumstances, the Fund will generally seek to invest in corporate bond issuances that have at least $100,000,000 par amount outstanding in developed countries and at least $200,000,000 par amount outstanding in emerging market countries. Further, component corporate bonds that in the aggregate account for at least 75% of the weight of corporate bonds will have a minimum original principal outstanding of $100 million or more.

[18] *See* supra note 14 [sic].

[19] The Fund may invest up to 20% of its net assets in one or more ETPs that are qualified publicly traded partnerships (''QPTPs'') and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities. Income from QPTPs is generally qualifying income. A QPTP is an entity

Continued

may receive management or other fees from the ETPs (''Affiliated ETPs'') in which the Fund may invest, as well as a management fee for managing the Fund.

Other Portfolio Holdings

While the Adviser and Sub-Adviser, under normal circumstances, will invest at least 80% of the Fund's net assets in the instruments described above, the Adviser and Sub-Adviser may invest up to 20% of the Fund's net assets in other securities and financial instruments, as described below.

The Fund may invest in repurchase agreements with commercial banks, brokers or dealers to generate income from its excess cash balances and to invest securities lending cash collateral. A repurchase agreement is an agreement under which a fund acquires a financial instrument (*e.g.,* a security issued by the U.S. Government or an agency thereof, a banker's acceptance or a certificate of deposit) from a seller, subject to resale to the seller at an agreed upon price and date (normally, the next business day).

The Fund may also enter into reverse repurchase agreements, which involve the sale of securities with an agreement to repurchase the securities at an agreed-upon price, date and interest payment and have the characteristics of borrowing. The Fund's exposure to reverse repurchase agreements will be covered by securities having a value equal to or greater than such commitments. Under the 1940 Act, reverse repurchase agreements are considered borrowings. The Fund does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 10% of its net assets.

The Fund may invest in both exchange-traded and OTC U.S. common stocks. The Fund may also invest in exchange-traded common stocks of foreign corporations. The Fund's investments in common stock of foreign corporations may also be in the form of American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs'') and European Depositary Receipts (''EDRs'') (collectively ''Depositary Receipts'').[20]

The Fund may invest in convertible securities traded on an exchange or OTC. Convertible securities are bonds, debentures, notes, or other securities that may be converted or exchanged (by the holder or by the issuer) into shares of the underlying common stock (or cash or securities of equivalent value) at a stated exchange ratio.

The Fund may lend its portfolio securities in an amount not to exceed 33⅓% of the value of its total assets via a securities lending program through the Lending Agent, to brokers, dealers and other financial institutions desiring to borrow securities to complete transactions and for other purposes. A securities lending program allows the Fund to receive a portion of the income generated by lending its securities and investing the respective collateral. The Fund will receive collateral for each loaned security which is at least equal to 102% of the market value of that security, marked to market each trading day.

In addition to repurchase agreements, the Fund may invest in short-term instruments, including money market instruments, (including money market funds advised by the Adviser), cash and cash equivalents, on an ongoing basis to provide liquidity or for other reasons. Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by the Adviser); (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit (''CDs''), bankers' acceptances, fixed time deposits and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase ''Prime-1'' by Moody's or ''A–1'' by S&P, or if unrated, of comparable quality as determined by the Adviser; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Adviser, are of comparable quality to obligations of U.S. banks which may be purchased by the Fund. Any of these instruments may be purchased on a current or a forward-settled basis. Time deposits are non-negotiable deposits maintained in banking institutions for specified periods of time at stated interest rates. Bankers' acceptances are time drafts drawn on commercial banks by borrowers, usually in connection with international transactions.

The Fund may conduct foreign currency transactions on a spot (*i.e.,* cash) or forward basis (*i.e.,* by entering into forward contracts to purchase or sell foreign currencies).

The Fund may invest in inverse floating rate debt instruments (''inverse floaters''). Inverse floaters are a type of instrument that bears a floating or variable interest rate that moves in the opposite direction to interest rates generally or the interest rate on another security or index.

In addition to ETPs that invest in Fixed Income Securities as described in the Principal Holdings, the Fund may also invest in the securities of other non-exchange traded investment companies, including affiliated funds and money market funds, subject to applicable limitations under Section 12(d)(1) of the 1940 Act.

The Fund may invest in the securities of exchange-traded and OTC real estate investment trusts (''REITs'').

The Fund may invest up to 20% of its assets in the following derivatives: Exchange-traded futures on Treasuries or Eurodollars; U.S. exchange-traded or OTC put and call options contracts and OTC or exchange-traded swap agreements on Fixed Income Securities and/or derivatives on indices based on Fixed Income Securities[21] (including interest rate swaps, total return swaps,

that is treated as a partnership for federal income tax purposes, subject to certain requirements. If such an ETP fails to qualify as a QPTP, the income generated from the Fund's investment in the ETP may not be qualifying income. Examples of such entities are the PowerShares DB Energy Fund, PowerShares DB Oil Fund, PowerShares DB Precious Metals Fund, PowerShares DB Gold Fund, PowerShares DB Silver Fund, PowerShares DB Base Metals Fund, and PowerShares DB Agriculture Fund.

[20] Depositary Receipts are receipts, typically issued by a bank or trust company, which evidence ownership of underlying securities issued by a foreign corporation. For ADRs, the depository is typically a U.S. financial institution and the underlying securities are issued by a foreign issuer. For other Depositary Receipts, the depository may be a foreign or a U.S. entity, and the underlying securities may have a foreign or a U.S. issuer. Depositary Receipts will not necessarily be denominated in the same currency as their underlying securities. Generally, ADRs, in registered form, are designed for use in the U.S. securities market, and EDRs, in bearer form, are designated for use in European securities markets. GDRs are tradable both in the United States and in Europe and are designed for use throughout the world. The Fund may invest in sponsored or unsponsored ADRs; however, not more than 10% of the net assets of the Fund will be invested in unsponsored ADRs. All exchange-traded equity securities (*e.g.,* exchange traded common stocks and exchange traded preferred securities, Depositary Receipts, and ETPs and certain other exchange-traded investment company securities) in which the Fund may invest will trade on markets that are members of the Intermarket Surveillance Group (''ISG'') or that have entered into a comprehensive surveillance agreement with the Exchange.

[21] Swap agreements are contracts between parties in which one party agrees to make periodic payments to the other party based on the change in market value or level of a specified rate, index or asset. In return, the other party agrees to make payments to the first party based on the return of a different specified rate, index or asset.

excess return swaps, and credit default swaps). The Fund will segregate cash and/or appropriate liquid assets if required to do so by Commission or Commodity Futures Trading Commission (''CFTC'') regulation or interpretation.

In the case of a credit default swap (''CDS''), the contract gives one party (the buyer) the right to recoup the economic value of a decline in the value of debt securities of the reference issuer if the credit event (a downgrade or default) occurs. This value is obtained by delivering a debt security of the reference issuer to the party in return for a previously agreed payment from the other party (frequently, the par value of the debt security).[22]

CDSs may require initial premium (discount) payments as well as periodic payments (receipts) related to the interest leg of the swap or to the default of a reference obligation. The Fund will segregate assets necessary to meet any accrued payment obligations when it is the buyer of CDSs. In cases where the Fund is a seller of a CDS, if the CDS is physically settled or cash settled, the Fund will be required to segregate the full notional amount of the CDS. Such segregation will not limit the Fund's exposure to loss.

The Fund may also invest in Restricted Securities.[23] Restricted Securities are securities that are not registered under the Securities Act, but which can be offered and sold to ''qualified institutional buyers'' under Rule 144A under the Securities Act.

Investment Restrictions

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Restricted Securities deemed illiquid by the Adviser or Sub-Adviser[24] under the 1940 Act.[25] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund intends to qualify each year as a regulated investment company (a ''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.[26] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification, and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M.

The Fund's investments will be consistent with its investment objective and will not be used to seek to achieve leveraged or inverse leveraged returns (*i.e.* two times or three times the Fund's benchmark).

Under normal circumstances, the combined total of corporate, sovereign, non-agency and all other debt rated below investment grade will not exceed 40% of the Fund's net assets. The Sub-Adviser will strive to allocate below investment grade securities broadly by industry and issuer in an attempt to reduce the impact of negative events on an industry or issuer. Below investment grade securities are instruments that are rated BB+ or lower by S&P or Fitch Inc. or Ba1 or lower by Moody's or equivalent ratings by another registered NRSRO or, if unrated by a NRSRO, of comparable quality in the opinion of the Sub-Adviser.

The Fund may invest up to 15% of its net assets in securities denominated in foreign currencies, and may invest beyond this limit in U.S. dollar-denominated securities of foreign issuers. The Fund may invest up to 20% of its net assets in securities and instruments that are economically tied to emerging market countries.[27]

Net Asset Value

According to the Registration Statement, the net asset value (''NAV'') of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the Exchange, generally 4:00 p.m. Eastern Time (the ''NAV Calculation Time'') on each day that the Exchange is open for trading, based on prices at the NAV Calculation Time. NAV per Share is calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. The Fund's net assets are valued primarily on the basis of market quotations. Expenses and fees, including the management fees, will be accrued daily and taken into account for purposes of determining NAV.

Common stocks and other exchange-traded equity securities (including shares of preferred securities, convertible securities, REITs, and ETPs) generally will be valued at the last reported sale price or the official closing price on that exchange where the security is primarily traded on the day that the valuation is made. Foreign equities and exchange-listed Depositary Receipts will be valued at the last sale or official closing price on the relevant exchange on the valuation date. If, however, neither the last sale price nor the official closing price is available on the valuation date, each of these securities will be valued at either the last reported sale price or official closing price as of the close of regular trading of the principal market on which the security is listed.

Unsponsored ADRs, which are traded in the OTC market, will be valued at the last reported sale price from the OTC Bulletin Board or OTC Link LLC on the valuation date. Equity securities traded OTC will be valued based on price

[22] The Fund will enter into CDS agreements only with counterparties that meet certain standards of creditworthiness.

[23] ''Restricted Securities,'' for purposes of this filing, are defined as Rule 144A securities and may include both mortgage-backed and non-mortgage 144A securities. To the extent that the Fund's holding of Restricted Securities include any of the assets subject to limitations described below, such holdings will be subject to those limitations, as applicable.

[24] In reaching liquidity decisions, the Adviser and Sub-Adviser may consider factors including: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[25] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[26] 26 U.S.C. 851.

[27] The Fund generally considers an issuer to be economically tied to an emerging market country if: (i) The issuer is organized under the laws of an emerging country; (ii) the issuer's securities are traded principally in an emerging country; or (iii) during the issuer's most recent fiscal year it derived at least 50% of its revenues, earnings before interest, taxes, depreciation, and amortization, or profits from goods produced or sold by, investments made in, or services performed in emerging countries, or it had at least 50% of its assets in emerging countries.

quotations obtained from a broker-dealer who makes markets in such securities or other equivalent indications of value provided by a third-party pricing service. Securities of non-exchange traded investment companies will be valued at NAV. Restricted Securities, repurchase agreements, and reverse repurchase agreements will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in such instruments. Spot currency transactions will generally be valued at mid prices received from an independent pricing service converted into U.S. dollars at current market rates on the date of valuation. Foreign currency forwards normally will be valued on the basis of quotes obtained from broker-dealers or third party pricing services.

Listed futures will generally be valued at the settlement price determined by the applicable exchange. Listed options will generally be valued at the last sale price on the applicable exchange. Listed swaps will be valued on the basis of quotations or equivalent indication of value supplied by a third-party pricing service or broker-dealer who makes markets in such instruments. Non-exchange traded derivatives, including OTC-traded options, swaps, and forwards, will normally be valued on the basis of quotations or equivalent indication of value supplied by a third-party pricing service or broker-dealer who makes markets in such instruments. The Fund's OTC-traded derivative instruments will generally be valued at bid prices.

According to the Adviser, U.S. Government obligations; TIPS; sovereign debt; foreign and domestic corporate bonds; ABS; TBA transactions; inverse floaters and bank loans; stripped securities; zero coupon securities; and short-term instruments will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in such instruments in the respective market. In determining the value of such instruments, pricing services determine valuations for normal institutional-size trading units of such securities using valuation models or matrix pricing, which incorporates yield and/or price with respect to bonds that are considered comparable in characteristics such as rating, interest rate and maturity date and quotations from securities dealers to determine current value. Investments having a maturity of 60 days or less are generally valued at amortized cost.

According to the Registration Statement, in the event that current market valuations are not readily available or are deemed unreliable, the Trust's procedures require the Oversight Committee (''Committee'') to determine a security's fair value, in accordance with the 1940 Act.[28] In determining such value the Committee may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators (*e.g.,* movement in interest rates and market indices). In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices.

Creation and Redemption of Shares

The NAV of Shares of the Fund will be determined once each business day, normally 4:00 p.m. Eastern time. The Fund currently anticipates that a Creation Unit will consist of 50,000 Shares, though this number may change from time to time, including prior to the listing of the Fund. The exact number of Shares that will comprise a Creation Unit will be disclosed in the Registration Statement of the Fund. The Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis, without a sales load (but subject to transaction fees), at their NAV per Share next determined after receipt of an order, on any business day, in proper form. Creation and redemption will typically occur in cash, however, the Trust retains discretion to conduct such transactions on an in-kind basis or a combination of cash and in-kind, as further described below.

The consideration for purchase of a Creation Unit of the Fund generally will consist of either (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and the Cash Component (defined below), computed as described below, or (ii) the cash value of the Deposit Securities (''Deposit Cash'') and the ''Cash Component,'' computed as described below. When accepting purchases of Creation Units for cash, the Fund may incur additional costs associated with the acquisition of Deposit Securities that would otherwise be provided by an in-kind purchaser. Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'' is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. If the Cash Component is a positive number (*i.e.,* the NAV per Creation Unit exceeds the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component shall be such positive amount. If the Cash Component is a negative number (*i.e.,* the NAV per Creation Unit is less than the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component will be such negative amount and the creator will be entitled to receive cash in an amount equal to the Cash Component. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

The Custodian, through the National Securities Clearing Corporation (''NSCC''), will make available on each business day, prior to the opening of business on the Exchange, the list of the names and the required amount of each Deposit Security or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund. Such Fund Deposit is subject to any applicable adjustments as described in the Registration Statement, in order to effect purchases of Creation Units of the Fund until such time as the next-announced composition of the Deposit Securities or the required amount of Deposit Cash, as applicable, is made available.

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through the Transfer Agent and only on a business day.

With respect to the Fund, the Custodian, through the NSCC, will make

[28] If a security's market price is not readily available or is deemed unreliable, the security will be valued by another method that the Board believes will better reflect fair value in accordance with the Trust's valuation policies and procedures and in accordance with the 1940 Act. The Board has delegated the process of valuing securities for which market quotations are not readily available or are deemed unreliable to the Committee. The Committee, subject to oversight by the Board, may use fair value pricing in a variety of circumstances, including but not limited to, situations when trading in a security has been suspended or halted. Accordingly, the Fund's NAV may reflect certain securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be received on the sale of the security. The Committee has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Fund.

available immediately prior to the opening of business on the Exchange (9:30 a.m. Eastern time) on each business day, the list of the names and share quantities of the Fund's portfolio securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Fund Securities received on redemption may not be identical to Deposit Securities.

Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities as announced by the Custodian on the business day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a fixed redemption transaction fee and any applicable additional variable charge as set forth in the Registration Statement. In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an authorized participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an authorized participant may receive the corresponding cash value of the securities in lieu of the in-kind securities value representing one or more Fund Securities.[29]

The creation/redemption order cut-off time for the Fund is expected to be 4:00 p.m. Eastern time. Creation/redemption order cut-off times may be earlier on any day that the Securities Industry and Financial Markets Association (''SIFMA'') (or applicable exchange or market on which the Fund's investments are traded) announces an early closing time. On days when the Exchange closes earlier than normal, the Fund may require orders for Creation Units to be placed earlier in the day.

Availability of Information

The Fund's Web site, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include additional quantitative information updated on a daily basis, including, for the Fund: (1) The prior business day's reported NAV, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[30] daily trading volume, and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. Daily trading volume information for the Shares will also be available in the financial section of newspapers, through subscription services such as Bloomberg, Thomson Reuters, and International Data Corporation, which can be accessed by authorized participants and other investors, as well as through other electronic services, including major public Web sites. On each business day, before commencement of trading in Shares during Regular Trading Hours [31] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[32] The Disclosed Portfolio will include, as applicable: The ticker symbol; CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts, or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site and information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in BATS Rule 14.11(i)(3)(C) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's portfolio, will be disseminated. Moreover, the Intraday Indicative Value will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Regular Trading Hours.[33] In addition, the quotations of certain of the Fund's holdings may not be updated during U.S. trading hours if such holdings do not trade in the United States or if updated prices cannot be ascertained.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and provide a close estimate of that value throughout the trading day.

The intra-day, closing, and settlement prices of exchange-listed instruments (including exchange traded Depositary Receipts, preferred securities, convertible securities, common stock, futures, ETPs, and QPTPs) will be readily available from the exchanges trading such instruments as well as automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Intraday and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options will be available from the Options Price Reporting Authority. Quotation information from brokers and dealers or pricing services will be available for Fixed Income Securities. Price information regarding spot currency transactions and OTC-traded derivative instruments, including options, swaps, and forward currency transactions, as well as equity securities traded in the OTC market, including Restricted Securities, inverse floaters, short-term instruments, OTC-traded preferred securities, OTC-traded ADRs, and OTC-traded convertible securities, is available from major market data vendors. Repurchase and reverse repurchase agreements will generally be available through nationally recognized data service providers through subscription arrangements.

[29] The Adviser represents that, to the extent that the Trust permits or requires a ''cash in lieu'' amount, such transactions will be effected in the same or equitable manner for all Authorized Participants.

[30] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[31] Regular Trading Hours are 9:30 a.m. to 4:00 p.m. Eastern Time.

[32] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[33] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Intraday Indicative Values published via the Consolidated Tape Association (''CTA'') or other data feeds.

Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available on the facilities of the CTA. Information regarding U.S. exchange-listed equities will also be available on the facilities of the CTA.

Initial and Continued Listing

The Shares will be subject to BATS Rule 14.11(i), which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act.[34] A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. The Exchange will halt trading in the Shares under the conditions specified in BATS Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 14.11(i)(4)(B)(iv), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. BATS will allow trading in the Shares from 8:00 a.m. until 5:00 p.m. Eastern Time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in BATS Rule 14.11(i)(2)(C), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. The Exchange may obtain information regarding trading in the Shares and the underlying shares in exchange traded investment companies, equity securities, futures, and options via the ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.[35] In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). FINRA also can access data obtained from the Municipal Securities Rulemaking Board (''MSRB'') relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. The Exchange prohibits the distribution of material non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) BATS Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value and the Disclosed Portfolio is disseminated; (4) the risks involved in trading the Shares during the Pre-Opening[36] and After Hours Trading Sessions[37] when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act.

In addition, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site. In addition, the Information Circular will reference that the Trust is subject to various fees and expenses described in the Fund's Registration Statement.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[38] in general and Section 6(b)(5) of the Act[39] in particular in that it is 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 facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

[34] *See* 17 CFR 240.10A–3.

[35] For a list of the current members and affiliate members of ISG, *see www.isgportal.com*. The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange also notes that all of the exchange-listed investment company securities, common stocks, preferred securities, futures, and options will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[36] The Pre-Opening Session is from 8:00 a.m. to 9:30 a.m. Eastern Time.

[37] The After Hours Trading Session is from 4:00 p.m. to 5:00 p.m. Eastern Time.

[38] 15 U.S.C. 78f.

[39] 15 U.S.C. 78f(b)(5).

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in BATS Rule 14.11(i). The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. If the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser to the investment company shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio. The Adviser is not a registered broker-dealer, but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. In the event (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Exchange may obtain information regarding trading in the Shares and the underlying shares in exchange traded investment companies, equity securities, futures, and options via the ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.[40] In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

According to the Registration Statement, the Fund intends to achieve its investment objective by investing, under normal circumstances, at least 80% of its net assets in a diversified portfolio of Fixed Income Securities of any credit quality. The Fund's investments will be consistent with the Fund's investment objective and will not be used to achieve leveraged or inverse leveraged returns, as stated above. While the Fund is permitted to invest without restriction in corporate bonds, the Sub-Adviser expects that, under normal circumstances, the Fund will generally seek to invest in corporate bond issuances that have at least $100,000,000 par amount outstanding in developed countries and at least $200,000,000 par amount outstanding in emerging market countries.

In addition to the holdings in Fixed Income Securities described above as part of the Fund's principal investment strategy, the Fund may also, to a limited extent (under normal circumstances, less than 20% of the Fund's net assets) and as further described above, engage in transactions in the following:

Repurchase agreements, reverse repurchase agreements, U.S. common stocks, exchange-traded foreign common stocks, Depositary Receipts, convertible securities, securities lending, short-term instruments, foreign currency transactions, inverse floaters, the securities of other investment companies, REITs, Restricted Securities, and certain options, futures, and swaps.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Restricted Securities deemed illiquid by the Adviser or Sub-Adviser[41] under the 1940 Act.[42] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value will be disseminated by one or more major market data vendors at least every 15 seconds during Regular Trading Hours. On each business day, before commencement of trading in Shares during Regular Trading Hours, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Pricing information will be available on the Fund's Web site including: (1) The prior business day's reported NAV, the Bid/Ask Price of the Fund, and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. Additionally, information regarding market price and trading of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other

[40] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange also notes that all of the exchange-listed investment company securities, common stocks, preferred securities, futures, and options will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[41] In reaching liquidity decisions, the Adviser and Sub-Adviser may consider factors including: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[42] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a-7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

electronic services, and quotation and last sale information for the Shares will be available on the facilities of the CTA. The Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in BATS Rule 11.18. Trading may also be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Finally, trading in the Shares will be subject to BATS Rule 14.11(i)(4)(B)(iv), which sets forth circumstances under which Shares of the Fund may be halted. In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. As noted above, investors will also have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The intra-day, closing, and settlement prices of exchange-listed instruments (including exchange traded Depositary Receipts, preferred securities, convertible securities, common stock, futures, ETPs, and QPTPs) will be readily available from the exchanges trading such instruments as well as automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Intraday and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options will be available from the Options Price Reporting Authority. Quotation information from brokers and dealers or pricing services will be available for Fixed Income Securities. Price information regarding spot currency transactions and OTC-traded derivative instruments, including options, swaps, and forward currency transactions, as well as equity securities traded in the OTC market, including Restricted Securities, inverse floaters, short-term instruments, OTC-traded preferred securities, OTC-traded ADRs, and OTC-traded convertible securities, is available from major market data vendors. Repurchase and reverse repurchase agreements will generally be available through nationally recognized data service providers through subscription arrangements.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–BATS–2016–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2016–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2016–04 and should be submitted on or before March 4, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02838 Filed 2–11–16; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77081; File No. SR–CBOE–2016–007]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Adopting a Principles-Based Approach To Prohibit the Misuse of Material Nonpublic Information by Designated Primary Market-Makers (''DPMs'') and Lead Market-Makers (''LMMs'')

February 8, 2016.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2016, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 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 adopt a principles-based approach to prohibit the misuse of material, nonpublic information by DPMs and LMMs by deleting Rule 8.91, sub-paragraph (b)(5) of Rule 8.15 and paragraph(b)(vii) of Rule 8.15A. In so doing, the Exchange would harmonize its rules related to the preventing the misuse of material, nonpublic information for every Trading Permit Holder (''TPH''). The Exchange believes that Rule 8.91, Rule 8.15(b)(5) and Rule 8.15A(b)(vii) are no longer necessary because all TPH, including DPMs and LMMs are subject to the Exchange's general principles-based requirements governing the protection against misuse of material, nonpublic information, pursuant to Rule 4.18 (Prevention of the Misuse of Material, Nonpublic Information), which obviates the need for separately prescribed requirements for a subset of market participants on the Exchange.

Background

The Exchange has three classes of registered Market-Makers. Pursuant to Rule 8.1, a Market-Maker is an individual TPH or TPH organization that is registered with the Exchange for the purpose of making transactions as a dealer-specialist on the Exchange. All Market-Makers are subject to the requirements of Rule 8.7, which set forth the obligations of Market-Makers, including quoting activity.

Rule 8.85 outlines the obligations of DPM's, which, in addition to the Market-Maker obligations of Rule 8.7, must fulfill a number of increased obligations including providing continuous electronic quotes, assuring that each of the displayed market quotations is honored, and complying heightened with bid/ask differential requirements.[5]

Rule 8.15 states that the Exchange may appoint, in an option class for which a DPM has not been appointed, one or more Market-Makers in good standing as LMMs and Supplemental Market-Makers (''SMMs'') to participate in opening rotation procedures for Hybrid 3.0 classes and/or to determine a formula for generating updated market quotations during the trading day. LMM's in Hybrid 3.0 classes are obligated to quote a firm two-sided market of sufficient size to accommodate a relatively active opening within the bid/ask differential requirements determined by the Exchange.

Rule 8.15A states the Exchange may appoint one or more Market-Makers in good standing with an appointment in a Hybrid-Trading system option class for which a DPM has not been appointed as LMMs. Much like DPMs LMMs in Hybrid Classes are subject to increased obligations that include providing continuous electronic quotes that comply with the bid/ask differential requirements determined by the Exchange.

Pursuant to Rules 8.15B and 8.87, the exchange may establish participation entitlements for LMM's and DPMs appointed pursuant to the aforementioned Rules. DPM's and LMM's must meet specific obligations prior to being awarded a participation entitlements [sic].

Whether operating on the CBOE Trading Floor or from a remote location, all Market-Makers, including DPMs and LMMs, have access to the same information in the Consolidated Book that is available to all other market participants. Moreover, none of the Exchange's Market-Makers have agency obligations to the Exchange's Order Book. As such, the primary distinctions between Market-Makers and DPMs and LMMs are the increased quoting requirements and allocation entitlements.

Despite the fact that Market-Makers, DPMs and LMMs have access to the same trading information as all other market participants on the Exchange, the Exchange has distinct rules governing how DPMs and LMMs may operate. Rule 8.91(a) specifies that a DPM shall maintain information barriers that are reasonably designed to prevent the misuse of material, nonpublic information with any affiliates that may conduct a brokerage business in option classes allocated to the DPM or act as a

[43] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *Compare* Rule 8.85(a)(i) (''[Each DPM shall] provide continuous electronic quotes . . . in at least 99% of the non-adjusted options series or 100% of the non-adjusted option series minus one call-put pair . . .'') *with* Rule 8.7(d)(ii)(B) (''A Market-Maker will be required to maintain continuous electronic quotes . . . in 60% of the non-adjusted option series of the Market-Maker's appointed classes that have a time to expiration of less than nine months.'').

specialist or market-maker in any security underlying options allocated to the DPM. Rule 8.91 also requires a DPM provide its information barriers to the Exchange and obtain prior written approval.

Rule 8.15(b)(5) requires LMMs in Hybrid 3.0 classes maintain information barriers that are reasonably designed to prevent the misuse of material, nonpublic information with any affiliates that may conduct a brokerage business in option classes allocated to the LMM or act as specialist or Market-Maker in any security underlying options allocated to the LMM. Rule 8.15A(b)(vii) similarly requires LMMs in Hybrid classes maintain information barriers that are reasonably designed to prevent the misuse of material, nonpublic information with any affiliates that may conduct a brokerage business in option classes allocated to the LMM or act as specialist or Market-Maker in any security underlying options allocated to the LMM. Neither Rule 8.15 nor 8.15A require the prior Exchange approval of information barriers outlined in Rule 8.91.

Proposed Rule Change

The Exchange believes the particularized guidelines in Rules, 8.91, 8.15(b)(5) and 8.15A(b)(vii) for DPMs, LMMs in Hybrid 3.0 classes, and LMMs in Hybrid classes, respectively, are no longer necessary and proposes to delete them. Rather, the Exchange believes that Rule 4.18, governing the misuse of material, nonpublic information provides for an appropriate, principles-based approach to prevent the type of market abuses Rules 8.91, 8.15(b)(5) and 8.15A(b)(vii) are designed to address. Specifically, Rule 4.18 requires every TPH shall establish, maintain and enforce written policies and procedures reasonably designed, taking into consideration the nature of such TPH's business, to prevent the misuse, in violation of the Exchange Act and Exchange Rules, of material, nonpublic information by such TPH or persons associated with such TPH. For the purposes of this Rule, conduct constituting the misuse of material, nonpublic information in violation of the Exchange Act and Exchange Rules includes, but is not limited to, the following:

(a) Trading in any securities issued by a corporation, partnership, Trust Issued Receipts or Units (as defined in Exchange Rules) or a trust or similar entities, or in any related securities or related options or other derivative securities, or in any related non-U.S. currency options, futures or options on futures on such currency, or any other derivatives based on such currency, or in any related commodity, related commodity futures or options on commodity futures or in any related commodity derivatives, while in possession of material, nonpublic information concerning that corporation, partnership, Trust Issued Receipts, or those Units, or that trust or similar entities;

(b) Trading in an underlying security or related options or other derivative securities, or in any related non-U.S. currency, non-U.S. currency options, futures or options on futures on such currency, or in any related commodity, related commodity futures or options on commodity futures or any other related commodities derivatives, or any other derivatives based on such currency while in possession of material nonpublic information concerning imminent transactions in the above; and

(c) Disclosing to another person or entity any material, nonpublic information involving a corporation, partnership, Trust Issued Receipts, or Units or a trust or similar entities whose shares are publicly traded or an imminent transactions in an underlying security or related securities or in the underlying non-U.S. currency of any related non-U.S. currency options, futures or options on futures on such currency, or any other derivatives based on such currency, or in any related commodity, related commodity futures or options on commodity futures or any other related commodity derivatives, for the purpose of facilitating the possible misuse of such material, nonpublic information.

Because DPMs and LMMs are already subject to the requirements of Rule 4.18, the Exchange does not believe that it is necessary to separately require specific limitations on dealings between DPMs and LMMs and affiliates. Deleting Rules 8.91, 8.15(b)(5) and 8.15A(b)(vii) would provide DPMs and LMMs with the flexibility to adapt their policies and procedures as appropriate to reflect changes to their business model, business activities, or the securities market in a manner similar to how Market-Makers on the Exchange currently operate consistent with Rule 4.18.

As noted above, DPMs and LMMs are distinguished under Exchange Rules from other types of Market-Makers only to the extent that they have certain heightened obligations and potential allocation entitlements. However, none of these heightened obligations provides different or greater access to nonpublic information than any other market participant on the Exchange. Specifically, whether on the CBOE Trading Floor or remotely, neither DPMs nor LMMs on the Exchange have access to trading information provided by the Exchange, either at, or prior to, the point of execution, that is not made available to all other market participants on the Exchange in a similar manner. Further, as noted above, DPMs and LMMs on the Exchange do not have any agency responsibilities for orders in the Order Book. Accordingly, because DPMs and LMMs do not have any trading advantages at the Exchange due to their market role, the Exchange believes that they should be subject to the same rules regarding the prevention of the misuse of material, nonpublic information, specifically Rule 4.18.[6]

The Exchange notes that its proposed approach to use a principles-based approach to protecting against the misuse of material nonpublic information for all of its registered Market-Makers is consistent with recently filed rule changes for NYSE MKT, LLC on behalf of NYSE Amex Options, International Securities Exchange, LLC (''ISE'') and BOX Options Exchange, LLC (''BOX'').[7] The proposed approach is also consistent with approved rule changes for NYSE Arca Equities Inc. (''NYSE Arca''), BATS Exchange Inc. (''BATS'') and New York Stock Exchange, LLC (''NYSE'') rules governing cash equity Market-Makers on those respective exchanges.[8] Except for

[6] The Exchange notes that by deleting Rule 8.91, the Exchange would no longer require specific information barriers for DPMs or require pre-approval of any information barriers that a DPM would erect for purposes of protecting against the misuse of material nonpublic information. However, as is the case today with Market-Makers, information barriers of new entrants, including new DPMs, would be subject to review as part of a new firm application. Moreover, the policies and procedures of DPMs and LMMs, including those relating to information barriers, would be subject to review by FINRA, on behalf of the Exchange, pursuant to a Regulatory Services Agreement.

[7] *See* Securities Exchange Act Release Nos. 75432 (July 13, 2015), 80 FR 42597 (July 17, 2015) (Order Approving Adopting a Principles-Based Approach to Prohibit the Misuse of Material Nonpublic Information by Specialists and e-Specialists by Deleting Rule 927.3NY and Section (f) of Rule 927.5NY); 75792 (August 31, 2015), 80 FR 53606 (September 4, 2015) (SR–ISE–2015–26) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adopting a Principles-Based Approach to Prohibit the Misuse of Material, non-public Information by Market Makers by Deleting Rule 810); 75916 (September 14, 2015), 80 FR 56503 (September 18, 2015) (SR–BOX–2015–31) (Notice of Filing and immediate Effectiveness of Proposed Rule Change to Adopt a Principles-based Approach to Prohibit the Misuse of Material Nonpublic Information by Market Makers).

[8] *See* Securities Exchange Act Release Nos. 60604 (Sept. 2, 2009), 76 FR 46272 (Sept. 8, 2009) (SR–NYSEArca–2009–78) (Order approving elimination of NYSE Arca rule that required market makers to establish and maintain specifically prescribed information barriers, including discussion of NYSE Arca and Nasdaq rules) (''Arca Approval Order'');

prescribed rules relating to floor-based designated Market-Makers on the NYSE, who have access to specified nonpublic trading information, each of these exchanges have moved to a principles-based approach to protecting against the misuse of material, nonpublic information. In connection with approving those rule changes, the Commission found that eliminating redundant information barrier requirements should not reduce the effectiveness of exchange rules requiring its members or participants to establish and maintain systems to supervise the activities of its members, including written procedures reasonably designed to ensure compliance with applicable federal securities law and regulations, and with the rules of the applicable exchange.[9]

The Exchange notes that even with this proposed rule change, pursuant to Rule 4.18, a DPM or LMM would still be obligated to ensure that its policies and procedures reflect the current state of its business and continue to be reasonably designed to prevent the misuse of material, nonpublic information. While information barriers would not specifically be required under the proposal, Rule 4.18 already requires that a TPH consider the nature of the TPH's business in structuring its policies and procedures, which may dictate that an information barrier or a functional separation be part of the appropriate set of policies and procedures that would be reasonably designed to achieve compliance with applicable securities law and regulations, and with applicable Exchange rules.

The Exchange is not proposing to change what is considered to be material, non-public information and, thus does not expect there to be any changes to the types of information that an affiliated brokerage business of a market maker could share with such market maker. In that regard, the proposed rule change will not permit the brokerage unit of a TPH firm to have access to any non-public order or quote information of affiliated market maker, including hidden or undisplayed orders and quotes on the Exchange. TPHs do not expect to receive any additional order or quote information as a result of this proposed rule change.

Further, the Exchange does not believe that there will be any material change to TPH information barriers as a result of removal of the Exchange's pre-approval requirements for DPMs. In fact, the Exchange anticipates that eliminating the pre-approval requirement should facilitate implementation of changes to TPH information barriers as necessary to protect against the misuse of material, non-public information. The Exchange also suggests that the pre-approval requirement is unnecessary because DPMs do not have agency responsibilities to the book. However, as is the case today with market makers, information barriers of new entrants would be subject to review as part of a new firm application. Moreover, the policies and procedures of market makers, including those relating to information barriers would be subject to review by FINRA, on behalf of the Exchange, pursuant to a Regulatory Services Agreement.

The Exchange further notes that under Rule 4.18, a TPH would be able [sic] would be able to structure its firm to provide for its options DPMs or LMMs, as applicable, to be structured with its equities and customer-facing businesses, provided that any such structuring would be done in a manner reasonably designed to protect against the misuse of material, nonpublic information. For example, pursuant to Rule 4.18, a DPM on the Exchange could be in the same independent trading unit, a defined in Rule 200(f) of Regulation SHO,[10] as an equities Market-Maker and other trading desks within the firm, including options trading desks, so that the firm could share post-trade information to better manage its risk across related securities. The Exchange believes it is appropriate, and consistent with Rule 4.18 and section 15(g) of the Act [11] for a firm to share options position and related hedging position information (*e.g.,* equities, futures, and foreign currency) within a firm to better manage risk on a firm-wide basis. The Exchange notes, however, that if so structured, a firm would need to have appropriate policies and procedures, including information barriers as applicable, to protect against the misuse of material non-public information, and specifically customer information consistent with Rule 4.18. The Exchange further notes that Federal rules supersede Exchange rules in the event of any conflicts regarding the misuse of material non-public information.

The Exchange believes that the proposed reliance on the principles-based Rule 4.18 would ensure that a TPH that operates a DPM or LMM would be required to protect against the misuse of any material nonpublic information. As noted above, Rule 4.18 already requires that firms refrain from trading while in possession of material nonpublic information concerning imminent transactions in a security or related product. The Exchange believes that moving to a principles-based approach rather than prescribing how and when to wall off a DPM or LMM from the rest of the firm would provide TPH operating DPMs or LMMs with appropriate tools to better manage risk across a firm, including integrating options positions with other positions of the firm or, as applicable, by the respective independent trading unit. Specifically, the Exchange believes that it is appropriate for risk management purposes for a TPH operating a DPM or LMM to be able to consider both DPM/LMM traded-positions for the purposes of calculating net positions consistent with Rule 200 of Regulation SHO,[12] calculating intra-day net capital positions, and managing risk both generally as well as in compliance with Rule 15c3–5 under the Act (the ''Market Access Rule'').[13] The Exchange notes that any risk management operations would need to operate consistent with the requirement to protect against the misuse of material non-public information.

The Exchange further notes that if DPMs or LMMs are integrated with other Market-Making operations, they would be subject to existing rules that prohibit TPH from disadvantaging their customers or other market participants by improperly capitalizing of a TPH organization's access to the receipt of material nonpublic information. As such, a TPH organization that integrates its DPM or LMM operations together with equity Market-Making, would need to protect customer information consistent with existing obligations to protect such information. The Exchange has rules prohibiting TPHs from disadvantaging their customers or other market participants by improperly capitalizing on the TPH's access to or receipt of material nonpublic information. For example, Rule 4.24(e) requires Each TPH shall establish, maintain, and enforce written

61574 (Feb. 23, 2010), 75 FR 9455 (Mar. 2, 2010) (SR–BATS–2010–003) (Order approving amendments to BATS Rule 5.5 to move to a principles-based approach to protecting against the misuse of material, non-public information, and noting that the proposed change is consistent with the approaches of NYSE Arca and Nasdaq) (''BATS Approval Order''); and 72534 (July 3, 2014), 79 FR 39440 (July 10, 2014), SR–NYSE–2014–12) (Order approving amendments to NYSE Rule 98 governing designated market makers to move to a principles-based approach to prohibit the misuse of material non-public information) (''NYSE Approval Order'').

[9] *See, e.g.,* BATS Approval Order, *supra* note 4 at 9458.

[10] 17 CFR part 242.200(f).

[11] 15 U.S.C. 78o(g).

[12] 17 CFR part 242.200.

[13] 17 CFR part 240.15c3–5.

supervisory procedures reasonably designed to prevent and detect violations of applicable securities laws and regulations, and applicable Exchange rules. Additionally Rule 6.9(e) prevents a TPH or person associated with a TPH, who has knowledge of all material terms and conditions of an original order and a solicited order, including a facilitation order, to enter, based on such knowledge, an order to buy or sell an option of the same class as an option that is the subject of the original order, or an order to buy or sell the security underlying such class, or an order to buy or sell any related instrument unless certain circumstances are met.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market by adopting a principles-based approach to permit a TPH operating a DPM or LMM to maintain and enforce policies and procedures to, among other things, prohibit the misuse of material nonpublic information. The proposed rule change would further eliminate restrictions on how a TPH structures its DPM and LMM operations. The Exchange notes that the proposed rule change is based on an approved rule of the Exchange to which DPMs and LMMs are already subject-Rule 4.18-and harmonizes the rules governing DPMs, LMMs and Market-Makers. Moreover, TPH operating DPMs and LMMs would continue to be subject to federal and Exchange requirements for protecting material nonpublic order information.[17] The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market because it would harmonize the Exchange's approach to protecting against the misuse of material nonpublic information and no longer subject DPMs and LMMs to redundant requirements. The Exchange does not believe that the existing requirements applicable to DPMs and LMMs are narrowly tailored to their respective roles because neither market participant has access to Exchange trading information in a manner different from any other market participant on the Exchange and they do not have agency responsibilities to the Order Book.

The Exchange further believes the proposal is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade because existing rules make clear to all TPH the type of conduct that is prohibited by the Exchange. While the proposal eliminates certain requirements relating to the misuse of material nonpublic information, DPMs, LMMs and all other TPH would remain subject to existing Exchange rules requiring them to establish and maintain systems to supervise their activities, and to create, implement, and maintain written procedures that are reasonably designed to comply with applicable securities laws and Exchange rules, including the prohibition on the misuse of material nonpublic information.

The Exchange notes that the proposed rule change would still require that a TPH operating DPMs and LMMs maintain and enforce policies and procedures designed to ensure compliance with applicable federal securities laws and regulations and with Exchange rules. Even thought there would no longer be pre-approval of DPM information barriers, and DPM or LMM written policies and procedures would continue to be subject to oversight by the Exchange and therefore the elimination of specific restrictions should not reduce the effectiveness of the Exchange rules to protect against the misuse of material nonpublic information. Rather, TPH will be able to utilize a flexible, principles-based approach to modify their policies and procedures as appropriate to reflect changes to their business model, business activities, or to the securities market itself. Moreover, while specified information barriers may no longer be required, a TPH's business model or business activities may dictate that an information barrier or functional separation be part of the appropriate set of policies and procedures that would be reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules. The Exchange therefore believes that the proposed rule change will maintain the existing protection of investors and the public interest that is currently applicable to DPM's and LMM's, while at the same time removing impediments to and perfecting a free and open market by moving to a principles-based approach to protect against the misuse of material nonpublic information.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal will enhance competition by allowing DPMs and LMMs to comply with applicable Exchange rules in a manner best suited to their business models, business activities and the securities markets, thus reducing regulatory burdens while still ensuring compliance with applicable securities laws and regulations and Exchange rules. The Exchange believes that the proposal will foster a fair and orderly marketplace without being overly burdensome upon DPMs and LMMs.

Moreover, the Exchange believes that the proposed rule change would eliminate a burden on competition for TPH which currently exists as a result of disparate rule treatment between the options and equities markets regarding how to protect against the misuse of material, nonpublic information. For those TPH that are also members of equities exchanges their respective equity Market-Maker operations are now subject to a principles-based approach to protecting against the misuse of material nonpublic information. The Exchange believes it would remove a burden on competition to enable TPH to similarly apply a principles-based approach to protecting against the misuse of material nonpublic information in the options space. To this end, the Exchange notes that Rule 4.18 still requires a TPH that operates as a Market-Maker on the Exchange,

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] *See* 15 U.S.C. 78o(g) and Rule 4.18.

including a DPM or LMM, to evaluate its business to assure that its policies and procedures are reasonably designed to protect against the misuse of material, non-public information. However, with this proposed rule change, a TPH that trades equities and options could look at its firm more holistically to structure its operations in a manner that provides it with better tools to manage risks across multiple security classes, while at the same time protecting against the misuse of material nonpublic information.

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

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) [19] 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–2016–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2016–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2016–007 and should be submitted on or before March 4, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02841 Filed 2–11–16; 8:45 am]

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[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77079; File No. SR–ICC–2016–002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing, as Modified by Amendment No. 1 Thereto, of Proposed Rule Change To Provide for the Clearance of Certain Asia-Pacific Credit Default Swap Contracts

February 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 27, 2016, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to adopt new rules that will provide the basis for ICC to clear certain Asia-Pacific credit default swap (''CDS'') contracts, as described in Items I, II, and III below, which Items have been prepared primarily by ICC. On January 29, 2016, ICC filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice, as modified by Amendment No. 1, 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

ICC is proposing an amendment to its previously submitted proposed rule change to adopt new rules that will provide the basis for ICC to clear certain Asia-Pacific CDS contracts. Specifically, ICC proposed to amend Chapter 26 of the ICC Rulebook (''ICC Rules'') to add Subchapters 26J and 26L to provide for the clearance of iTraxx Asia/Pacific CDS contracts (''iTraxx Asia/Pacific Contracts'') and Standard Asia/Pacific Sovereign CDS contracts (''SAS Contracts'', collectively with iTraxx Asia/Pacific Contracts ''Asia-Pacific CDS Contracts''). Additionally, ICC proposed to amend the ICC End-of-Day Price Discovery Policies and Procedures to add two additional pricing windows to accommodate the submission of end-of-day prices relating to such Asia-Pacific CDS Contracts. Finally, ICC proposed to amend the ICC Risk Management Framework to include the risk horizon utilized for instruments traded during Asia-Pacific hours and to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, ICC deleted a factual error in the originally filed proposal that stated that no changes would be made to ICC's Risk Management Framework. Amendment No. 1 amends and replaces the original filing in its entirety.

amend the ICC Risk Management Model Description document to add Asia-Pacific to the list of regions to be considered in General Wrong Way Risk calculations. This Amendment No. 1 deletes a factual error and is intended to replace the original filing in its entirety.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the additional rule change in Amendment No. 1. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adopt new rules that will provide the basis for ICC to clear Asia-Pacific CDS Contracts. Specifically, ICC proposes amending chapter 26 of the ICC Rules to add Subchapters 26J and 26L to provide for the clearance of iTraxx Asia/Pacific Contracts and Standard Asia/Pacific Sovereign CDS contracts (specifically the Commonwealth of Australia, the Malaysian Federation, the People's Republic of China, the Republic of Indonesia, the Republic of Korea and the Republic of the Philippines), respectively. Further, ICC proposes amending the ICC End-of-Day Price Discovery Policies and Procedures to add two additional pricing windows to accommodate the submission of end-of-day prices relating to such Asia-Pacific CDS Contracts. Finally, ICC proposes amending the ICC Risk Management Framework to include the risk horizon utilized for instruments traded during Asia-Pacific hours and amending the ICC Risk Management Model Description document to add Asia-Pacific to the list of regions to be considered in General Wrong Way Risk calculations. The addition of these Asia-Pacific CDS Contracts will benefit the CDS market by providing market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules.

The iTraxx Asia/Pacific Contracts have similar terms to the CDX North American IG/HY/XO CDS contracts (''CDX NA Contracts'') currently cleared by ICC and governed by Subchapter 26A of the ICC Rules, the CDX Emerging Markets CDS contracts (''CDX EM Contracts'') currently cleared by ICC and governed by Subchapter 26C of the ICC Rules, and the iTraxx Europe CDS contracts (''iTraxx Europe Contracts'') currently cleared by ICC and governed by Subchapter 26F of the ICC Rules. Accordingly, the proposed rules found in Subchapter 26J largely mirror the ICC Rules for CDX NA Contracts in Subchapter 26A, CDX EM Contracts in Subchapter 26C, and iTraxx Europe Contracts in Subchapter 26F, with certain modifications that reflect differences in terms and market conventions between those contracts and iTraxx Asia/Pacific Contracts. iTraxx Asia/Pacific Contracts will be denominated in United States Dollars.

ICC Rule 26J–102 (Definitions) sets forth the definitions used for the iTraxx Asia/Pacific Contracts. The definitions are substantially the same as the definitions found in Subchapters 26A, 26C, and 26F of the ICC Rules, other than certain conforming changes.

ICC Rules 26J–309 (Acceptance of iTraxx Asia/Pacific Untranched Contracts by ICE Clear Credit), 26J–315 (Terms of the Cleared iTraxx Asia/Pacific Untranched Contract), 26J–316 (Updating Index Version of Fungible Contracts After a Credit Event or a Succession Event; Updating Relevant Untranched Standard Terms Supplement), and 26J–317 (Terms of iTraxx Asia/Pacific Untranched Contracts) reflect or incorporate the basic contract specifications for iTraxx Asia/Pacific Contracts and are substantially the same as under Subchapters 26A, 26C, and 26F of the ICC Rules.

SAS Contracts have similar terms to the Standard North American Corporate Single Name CDS contracts (''SNAC Contracts'') currently cleared by ICC and governed by Subchapter 26B of the ICC Rules, the Standard Emerging Sovereign CDS contracts (''SES Contracts'') currently cleared by ICC and governed by Subchapter 26D of the ICC Rules, the Standard European Corporate Single Name CDS contracts (''STEC Contracts'') currently cleared at ICC and governed by Subchapter 26G of the ICC Rules, the Standard European Financial Corporate Single Name CDS Contracts (''STEFC Contracts'') currently cleared at ICC and governed by Subchapter 26H of the ICC Rules, and the Standard Western European Corporate Single Name CDS contracts (''SWES Contracts'') currently cleared by ICC and governed by Subchapter 26I of the ICC Rules. Accordingly, the proposed rules found in Subchapter 26L largely mirror the ICC Rules for SNAC Contracts in Subchapter 26B, SES Contracts in Subchapter 26D, STEC Contracts in Subchapter 26G, STEFC Contracts in Subchapter 26H, and SWES Contracts in Subchapter 26I, with certain modifications that reflect differences in terms and market conventions between those contracts and SAS Contracts. SAS Contracts will be denominated in United States Dollars.

ICC Rule 26L–102 (Definitions) sets forth the definitions used for the SAS Contracts. ''Eligible SAS Reference Entities'' are defined as ''each particular Reference Entity included in the List of Eligible SAS Reference Entities,'' which is a list maintained, updated and published from time to time by ICC containing certain specified information with respect to each reference entity. ICC is proposing to add the Commonwealth of Australia, the Malaysian Federation, the People's Republic of China, the Republic of Indonesia, the Republic of Korea and the Republic of the Philippines to its List of Eligible SAS Reference Entities. If ICC determines to add or remove additional SAS Contracts from the List of Eligible SAS Reference Entities, it will seek approval from the Commission for such contracts (or for a class of product including such contracts) by a subsequent filing. The remaining definitions are substantially the same as the definitions found in Subchapters 26B, 26D, 26G, 26H, and 26I of the ICC Rules, other than certain conforming changes.

ICC Rules 26L–203 (Restriction on Activity), 26L–206 (Notices Required of Participants with respect to SAS Contracts), 26L–303 (SAS Contract Adjustments), 26L–309 (Acceptance of SAS Contracts by ICE Clear Credit), 26L–315 (Terms of the Cleared SAS Contract), 26L–316 (Relevant Physical Settlement Matrix Updates), 26L–502 (Specified Actions), and 26L–616 (Contract Modification) reflect or incorporate the basic contract specifications for SAS Contracts and are substantially the same as under Subchapters 26B, 26D, 26G, 26H, and 26I of the ICC Rules.

Additionally, ICC is proposing to amend the ICC End-of-Day Price Discovery Policies and Procedures to add two additional pricing windows to accommodate the submission of end-of-day prices relating to such Asia-Pacific CDS Contracts. Specifically, ICC is proposing adding one pricing window at the end of the Sydney trading day to determine prices for instruments primarily traded in Sydney hours and one pricing window at the end of the Singapore trading day to determine prices for instruments primarily traded

in Singapore/Hong Kong hours. ICC will apply the same price discovery methodology to all submission windows. For easier comprehension, ICC also consolidated information regarding the timing of all pricing windows into a table in an appendix to the policy. Accordingly, ICC replaced references throughout the document to specific pricing window times with a reference to this table. ICC also removed a reference to end-of-day risk requirements, as such information is more appropriately included in the Risk Management Framework.

Finally, ICC is proposing to amend the ICC Risk Management Framework to include the risk horizon utilized for instruments traded during Asia-Pacific hours and to amend the ICC Risk Management Model Description document to add Asia-Pacific to the list of regions to be considered in General Wrong Way Risk calculations.

Section 17A(b)(3)(F) of the Act [4] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. These iTraxx Asia/Pacific Contracts are similar to CDX NA, CDX EM, and iTraxx Europe Contracts currently cleared by ICC, and the SAS Contracts are similar to the SNAC, SES, STEC, STEFC, and SWES Contracts currently cleared by ICC. The iTraxx Asia/Pacific Contracts and SAS Contracts will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections and risk management procedures.

The addition of iTraxx Asia/Pacific Contracts and SAS Contracts will allow market participants an increased ability to manage risk. ICC believes that acceptance of the new contracts, on the terms and conditions set out in the ICC Rules, is consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[5] ICC performed a comprehensive risk analysis related to the clearing of iTraxx Asia/Pacific Contracts and SAS Contract and has identified no additional risk or systemic risk concerns introduced by clearing these contracts, not accounted for by ICC's existing risk management procedures. As such, clearing the new iTraxx Asia/Pacific Contracts and SAS Contracts is consistent with the requirement of promoting and protecting the public interest in Section 17A(b)(3)(F).[6]

Clearing of the iTraxx Asia/Pacific Contracts and SAS Contracts will also satisfy the requirements of Rule 17Ad–22.[7] In particular, in terms of financial resources, ICC will apply its existing margin methodology (which includes General Wrong Way Risk considerations) to the additional contracts. ICC believes that this model will provide sufficient margin to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad-22(b)(2).[8] In addition, ICC believes its Guaranty Fund, under its existing methodology, will, together with the required margin, provide sufficient financial resources to support the clearing of the new contracts consistent with the requirements of Rule 17Ad–22(b)(3).[9] ICC also believes that its existing operational and managerial resources will be sufficient for clearing of the new contracts, consistent with the requirements of Rule 17Ad-22(d)(4),[10] as the new contracts are substantially the same from an operational perspective as existing contracts. Similarly, ICC will use its existing settlement procedures and account structures for the new contracts, consistent with the requirements of Rule 17Ad–22(d)(5), (12) and (15)[11] as to the finality and accuracy of its daily settlement process and avoidance of the risk to ICC of settlement failures. ICC determined to accept the iTraxx Asia/Pacific Contracts and SAS Contracts for clearing in accordance with its governance process, which included review of the contracts and related risk management considerations by the ICC Risk Committee and approval by its Board. These governance arrangements are consistent with the requirements of Rule 17Ad–22(d)(8).[12] Finally, ICC will apply its existing default management policies and procedures for the iTraxx Asia/Pacific Contracts and SAS Contracts. ICC believes that these procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the new contracts, in accordance with Rule 17Ad–22(d)(11).[13]

Furthermore, ICC believes that the proposed changes to the ICC End-of-Day Price Discovery Policies and Procedures are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[14] because ICC believes that such changes will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, as the proposed revisions will allow ICC to receive end-of-day prices for Asia-Pacific CDS Contracts, complete its end-of-day price discovery process, and determine end-of-day prices for such Asia-Pacific CDS Contracts. As such, the proposed changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F)[15] of the Act.

Finally, ICC believes that the proposed changes to the ICC Risk Management Framework and the ICC Risk Management Model Description document are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[16] because ICC believes that such changes will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, as the proposed revisions allow for the consideration of Asia-Pacific contracts within ICC's risk model. As such, the proposed changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F) [17] of the Act. In addition, the proposed revisions are consistent with the relevant requirements of Rule 17Ad-22.[18] In particular, the amendments to the Risk Management Framework and the ICC Risk Management Model Description document allow for the consideration of Asia-Pacific contracts within the ICC risk model, which, as discussed above,

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] Id.

[6] Id.

[7] 17 CFR 240.17Ad–22.

[8] 17 CFR 240.17Ad–22(b)(2).

[9] 17 CFR 240.17Ad–22(b)(3).

[10] 17 CFR 240.17Ad–22(d)(4).

[11] 17 CFR 240.17Ad–22(d)(5), (12) and (15).

[12] 17 CFR 240.17Ad–22(d)(8).

[13] 17 CFR 240.17Ad–22(d)(11).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] Id.

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] Id.

[18] 17 CFR§ 240.17Ad–22.

ICC believes will provide sufficient margin and financial resources to support the clearing of the new contracts consistent with the margin and financial resource requirements of Rule 17Ad-22(b)(2–3).[19]

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The iTraxx Asia/Pacific Contracts and SAS Contracts will be available for clearing to all ICC Clearing Participants. The clearing of iTraxx Asia/Pacific Contracts and SAS Contracts by ICC does not preclude the offering of this product for clearing by other market participants. Further, the changes to the ICC End-of-Day Price Discovery Policies and Procedures, ICC Risk Management Framework, and ICC Risk Management Model Description document apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization'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 been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICC–2016–002 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–ICC–2016–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2016–002 and should be submitted on or before March 4, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02839 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR§ 240.17Ad-22(b)(2–3).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rules 17Ad–22—Clearing Agency Standards and Governance. SEC File No. 270–646, OMB Control No. 3235–0695.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rules 17Ad-22 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Standards for Clearing Agencies

a. Measurement and Management of Credit Exposures

Rule 17Ad–22(b)(1) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to measure its credit exposures to its participants at least once each day, and limit its exposures to potential losses from defaults by its participants in normal market conditions so that the operations of the clearing agency would not be disrupted and non-defaulting participants would not be exposed to losses that they cannot anticipate or control. The purpose of the collection of information is to enable the clearing agency to monitor and limit its exposures to its participants.

b. Margin Requirements

Rule 17Ad–22(b)(2) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to: (i) Use margin requirements to limit its credit exposures to participants in normal market conditions; (ii) use risk-based models and parameters to set margin requirements; and (iii) review the models and parameters at least monthly. The purpose of the collection of information is to enable the clearing agency to maintain sufficient collateral or margin.

c. Financial Resources

Rule 17Ad–22(b)(3) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions, provided that a registered clearing agency acting as a central counterparty for security-based swaps shall maintain additional financial resources sufficient to withstand, at a minimum, a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions, in its capacity as a central counterparty for security-based swaps. The purpose of the collection of information is to enable the clearing agency to satisfy all of its settlement obligations in the event of a participant default.

d. Model Validation

Rule 17Ad–22(b)(4) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for an annual model validation consisting of evaluating the performance of the clearing agency's margin models and the related parameters and assumptions associated with such models by a qualified person who is free from influence from the persons responsible for the development or operation of the models being validated. The purpose of the collection of information is to enable the clearing agency to obtain an assessment of its margin model by a qualified, independent person.

e. Non-Dealer Access

Rule 17Ad–22(b)(5) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide the opportunity for a person that does not perform any dealer or security-based swap dealer services to obtain membership at the clearing agency to clear securities for itself or on behalf of other persons. The purpose of the collection of information is to enable more market participants to obtain indirect access to clearing agencies.

f. Portfolio Size and Transaction Volume Restrictions

Rule 17Ad–22(b)(6) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to have membership standards that do not require that participants maintain a portfolio of any minimum size or that participants maintain a minimum transaction volume. The purpose of the collection of information is to remove unnecessary barriers to participation in clearing agencies that provide CCP services.

g. Net Capital Restrictions

Rule 17Ad–22(b)(7) would require a clearing agency that provides CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide a person that maintains net capital equal to or greater than $50 million with the ability to obtain membership at the clearing agency, provided that such persons are able to comply with other reasonable membership standards, with any net capital requirements being scalable so that they are proportional to the risks posed by the participant's activities to the clearing agency. The rule also permits a clearing agency to provide for a higher net capital requirement (*i.e.,* higher than $50 million) as a condition for membership at the clearing agency if the clearing agency demonstrates to the Commission that such a requirement is necessary to mitigate risks that could not otherwise be effectively managed by other measures, such as scalable limitations on the transactions that the participants may clear through the clearing agency, and the Commission approves the higher net capital requirement as part of a rule filing or clearing agency registration application. The purpose of the collection of information is to remove unnecessary barriers to clearing access by market participants with a net capital level above $50 million, while at the same time facilitating sound risk management practices by clearing agencies by encouraging them to examine and articulate the benefits that higher net capital requirements would create through having clearing agencies develop scalable membership standards that links the activities any participants could potentially engage in with the potential risks posed by the participant.

h. Record of Financial Resources

Rule 17Ad–22(c)(1) would require that each fiscal quarter (based on calculations made as of the last business day of the clearing agency's fiscal quarter), or at any time upon Commission request, a clearing agency that performs CCP services shall calculate and maintain a record of the financial resources necessary to meet the requirement in Rule 17Ad-22(b)(3) and sufficient documentation to explain the methodology it uses to compute such financial resource requirement. The purpose of the collection of information is to enable the Commission to monitor the financial resources of clearing agencies that provide CCP services.

i. Annual Audited Financial Statements

Rule 17Ad–22(c)(2) would require a clearing agency to post on its Web site an annual audited financial statement that must (i) be a complete set of financial statements of the clearing agency for the most recent two fiscal years of the clearing agency and be prepared in accordance with U.S. generally accepted accounting principles (''U.S. GAAP''), except that for a clearing agency that is a corporation or other organization incorporated or organized under the laws of any foreign country, the financial statements may be prepared according to U.S. GAAP or International Financial Reporting Standards as issued by the International Accounting Standards Board (''IFRS''); (ii) be audited in accordance with standards of the Public Company Accounting Oversight Board by a registered public accounting firm that is qualified and independent in accordance with Rule 2–01 of Regulation S–X (17 CFR 210.2–01); and (iii) include a report of the registered public accounting firm that complies with paragraphs (a) through (d) of Rule 2–02 of Regulation S–X (17 CFR 210.2–02). The purpose of the collection of information is to enable the Commission to monitor the financial resources of clearing agencies that provide CCP services.

j. Transparent and Enforceable Rules and Procedures

Rule 17Ad–22(d)(1) would require clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, transparent, and enforceable legal framework for each aspect of their activities in all relevant jurisdictions. The purpose of the collection of information is to help ensure that clearing agencies' policies and procedures do not cause confusion or legal uncertainty among their participants because they are unclear, incomplete or conflict with other applicable laws or judicial precedent.

The Commission believes that 10 registered clearing agencies will incur a total burden of approximately 8,029 hours annually.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *shagufta_ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street, NE Washington, DC 20549, or by sending an email to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 8, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02832 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77076; File No. SR–Phlx–2016–16]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete Obsolete Rules 1000C–1009C

February 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2016, NASDAQ PHLX LLC (''Phlx'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or the ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I.Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete obsolete Rules 1000C–1009C, collectively captioned Rules Applicable to Trading of PHLX FOREX Options™.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

PHLX FOREX Options ™

The Exchange's rules for listing and trading PHLX FOREX Options were approved by the Commission in 2012 [3] but were never in fact listed or traded on Phlx. The Exchange has no current intention to list or trade PHLX FOREX Options in the foreseeable future. Accordingly, the Exchange proposes to delete the caption ''Rules Applicable to Trading of PHLX FOREX Options ™ (Rules 1000C–1009C)'' as well as Rules 1000C through 1009C dealing solely with PHLX FOREX Options.

The Exchange also proposes to make conforming changes to Phlx Option Floor Procedure Advices F–6, Option Quote Parameters, and F–15, Minor Infractions of Position/Exercise Limits and Hedge Exemptions, removing language which is specific to PHLX FOREX Options.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [4] in general, and furthers the objectives of Section 6(b)(5) of the Act [5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, this proposed change removes from the Phlx rulebook the rules applicable to PHLX FOREX Options and makes conforming changes as needed to certain other rules. The rule language to be deleted is not relevant or necessary because it deals solely with PHLX FOREX Options which were never listed or traded on the Exchange. Removing this rule language from the Phlx rulebook will help eliminate potential member and investor confusion about products listed and traded on Phlx.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but would merely remove rule language relating to PHLX FOREX Options that is not relevant to the Exchange's business in any respect.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 66616 (March 16, 2012) 77 FR 16879 (March 22, 2012) (SR–Phlx–2012–11) (Order Granting Approval of Proposed Rule Change Regarding the Listing and Trading of PHLX FOREX Options™). In the approval order the Commission approved listing and trading of PHLX FOREX Options the British pound, the Swiss franc, the Canadian dollar, the Australian dollar, the New Zealand dollar, and the Euro. These six foreign currencies also underlie another type of foreign currency option that is currently listed and traded on the Exchange (referred to as either ''FCOs'' or World Currency Options, ''WCOs''). The primary difference between FCOs and the PHLX FOREX Options is the pricing convention of PHLX FOREX Options, which resembles the ''spot market pricing'' on the underlying currencies. The proposal to delist the PHLX FOREX Options™ does not affect the continued listing and trading of FCOs on the Exchange.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

19(b)(3)(A)(iii) of the Act[6] and subparagraph (f)(6) of Rule 19b–4 thereunder.[7]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2016–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2016–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2016–16 and should be submitted on or before March 4, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02836 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(a)(iii).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31988; File No. 812–14558]

State Farm Associates' Funds Trust, et al.; Notice of Application

February 8, 2016.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A), (B), and (C) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act. The requested order would permit certain registered open-end investment companies to acquire shares of certain registered open-end investment companies, registered closed-end investment companies, and registered unit investment trusts (collectively, ''Underlying Funds'') that are within and outside the same group of investment companies as the acquiring investment companies, in excess of the limits in section 12(d)(1) of the Act.

Applicants: State Farm Associates' Funds Trust, State Farm Mutual Fund Trust and State Farm Variable Product Trust, each a Delaware statutory trust and registered under the Act as an open-end management investment company with multiple series (each, a ''Trust''); State Farm Investment Management Corp. (''SFIMC''), a Delaware Corporation registered as an investment adviser under the Investment Advisers Act of 1940; and State Farm VP Management Corp., a Delaware corporation, registered as a broker-dealer under the Securities Exchange Act of 1934 (''Exchange Act'').

DATES: *Filing Dates:* The application was filed on October 2, 2015, and amended on January 5, 2016.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 4, 2016 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: c/o Mr. David Moore, State Farm Investment Management Corp., One State Farm Plaza, Bloomington, IL 61710–0001.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order to permit (a) a Fund[1] (each a ''Fund of

[1] Applicants request that the order apply to each existing and future series of the Trusts and to each existing and future registered open-end investment company or series thereof that is advised by SFIMC or its successor or by any entity controlling, controlled by or under common control with SFIMC or its successor and is part of the same ''group of

Continued

Funds'') to acquire shares of Underlying Funds[2] in excess of the limits in sections 12(d)(1)(A) and (C) of the Act and (b) the Underlying Funds that are registered open-end investment companies or series thereof, their principal underwriters and any broker or dealer registered under the Exchange Act to sell shares of the Underlying Fund to the Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.[3] Applicants also request an order of exemption under sections 6(c) and 17(b) of the Act from the prohibition on certain affiliated transactions in section 17(a) of the Act to the extent necessary to permit the Underlying Funds to sell their shares to, and redeem their shares from, the Funds of Funds.[4] Applicants state that such transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act and will be based on the net asset values of the Underlying Funds.

2. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over an Underlying Fund that is not in the same ''group of investment companies'' as the Fund of Funds through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A), (B), and (C) of the Act.

3. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02834 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

investment companies'' as the Trusts (each, a ''Fund''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. For purposes of the request for relief, the term ''group of investment companies'' means any two or more registered investment companies, including closed-end investment companies, that hold themselves out to investors as related companies for purposes of investment and investor services.

[2] Certain of the Underlying Funds have obtained exemptions from the Commission necessary to permit their shares to be listed and traded on a national securities exchange at negotiated prices and, accordingly, to operate as an exchange-traded fund (''ETF'').

[3] Applicants do not request relief for the Funds of Funds to invest in reliance on the order in closed-end investment companies that are not listed and traded on a national securities exchange.

[4] A Fund of Funds generally would purchase and sell shares of an Underlying Fund that operates as an ETF through secondary market transactions rather than through principal transactions with the Underlying Fund. Applicants nevertheless request relief from section 17(a) to permit a Fund of Funds to purchase or redeem shares from the ETF. A Fund of Funds will purchase and sell shares of an Underlying Fund that is a closed-end fund through secondary market transactions at market prices rather than through principal transactions with the closed-end fund. Accordingly, applicants are not requesting section 17(a) relief with respect to transactions in shares of closed-end funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77080; File No. SR–NASDAQ–2016–019]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Include NextShares in the Lead Market Maker Program

February 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2016, The NASDAQ Stock Market LLC (''Nasdaq'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to add NextShares to the list of securities eligible to be Qualified Securities under the Lead Market Maker Program of Rule 7014(f) and to make a technical change to the rule. Nasdaq will implement the proposed rule change on February 26, 2016.

The text of the proposed rule change is available on the Nasdaq's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of Nasdaq, 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, Nasdaq 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. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

Nasdaq is proposing to include NextShares, listed under Rule 5745, to the list of securities eligible to be treated as a Qualified Security under the Lead Market Maker (''LMM'') Program of Rule 7014(f).

The LMM Program is designed to provide incentive to market makers to make markets in certain relatively illiquid exchange-traded products (''ETPs''). To achieve this goal, Nasdaq provides credits to a designated LMM for execution of a Qualified Security. Under Rule 7014(f)(1), a security may be designated as a ''Qualified Security'' if: (A) It is an exchange-traded fund or index-linked security listed on Nasdaq pursuant to Nasdaq Rules 5705, 5710, 5720, or 5735; and (B) it has at least one LMM.

An LMM is a registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards, which are based on certain percentages

of time that the LMM is quoting at the national best bid and offer (''NBBO''). An LMM is selected by Nasdaq based on several factors including, but not limited to, experience with making markets in exchange-traded funds and index-linked securities, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. Nasdaq may limit the number of LMMs in a security, or modify a previously established limit, upon prior written notice to members.

Proposed Change to Rule 7014(f)

As previously noted, Nasdaq currently includes in the program Portfolio Depository Receipts, Index Fund Shares, Securities Linked to the Performance of Indexes and Commodities (Including Currencies), Trust Issued Receipts, and Managed Fund Shares. Nasdaq is proposing to add another ETP, NextShares, as eligible to be a Qualified Security under the LMM Program.

The term NextShares means a security that (a) represents an interest in a registered investment company (''NextShares Fund'') organized as an open-end management investment company that invests in a portfolio of securities and other assets selected and managed by the NextShares Fund's investment adviser consistent with the NextShares Fund's investment objectives and policies; (b) is issued in a specified aggregate unit quantity in return for a deposit of a specified portfolio of securities and/or a cash amount with a value per NextShare equal to the NextShares Fund's net asset value; (c) when aggregated in the same specified unit quantity, may be redeemed for a specified portfolio of securities and/or cash with a value per NextShare equal to the NextShares Fund's net asset value; and (d) is traded on Nasdaq or another national securities exchange using net asset value (''NAV'')-Based Trading.[3] NextShares will trade on Nasdaq using a new trading protocol called ''NAV-Based Trading.'' In NAV-Based Trading, all bids, offers and execution prices will be expressed as a premium/discount (which may be zero) to the NextShares' next-determined NAV (*e.g.,* NAV − $ 0.01; NAV+$ 0.01). A NextShares' next-determined NAV will be represented at the beginning of each trading day by a proxy price of 100.00. A NextShares' NAV will be determined each business day, normally no later than 6:45 p.m. Eastern Time. At this time, the day's premiums/discounts associated with the day's transactions will be applied to the day's NAV to create the final transaction price. Trade executions using NAV-Based Trading will be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of the NextShares' NAV at the end of the business day. Nasdaq represents that an [sic] NextShares' next-determined NAV will be represented by a proxy price (*e.g.,* 100.00) and a premium/discount of a stated amount to the next-determined NAV to [sic] be represented by the same increment/decrement from the proxy price used to denote NAV (*e.g.,* NAV − $0.01 would be represented as 99.99; NAV+$0.01 as 100.01). To convert proxy prices used to represent intraday bids, offers, and execution prices into prices expressed in relation to the next-determined NAV, member firms would subtract from the reported proxy price (*e.g.,* 99.99) the proxy for NAV (*e.g.,* 100.00) and insert ''NAV'' in front of the calculated number expressed in dollars (*e.g.,* 99.99 − 100.00 = −0.01, expressed as ''NAV − $0.01''). Nasdaq will report intraday bids, offers, and trades for NextShares in real-time to the Consolidated Tape using the proxy price format. In addition, Nasdaq will disseminate intraday NextShares bids, offers, and trades through a proprietary exchange data feed using the NAV + $.01/NAV − $.01 format. Nasdaq will also provide the member firms participating in each NextShares trade with a contemporaneous notice of trade execution, indicating the number NextShares bought or sold and the executed premium/discount to NAV. All orders to buy or sell NextShares that are not executed on the day the order is submitted would be automatically cancelled as of the close of trading on such day.[4]

As a new and novel ETP, Nasdaq is proposing to include NextShares in its LMM Program to provide incentive to market makers to make markets in NextShares, which will help to ensure that adequate liquidity is provided in the novel product. This will benefit market participants interested in buying or selling these ETPs. As noted above, the LMM Program's performance criteria are based on an LMM's quoting at the NBBO. For purposes of the LMM Program, Nasdaq will use a NextShares' best proxy price bid and offer in comparison to an LMM's quoting at the time to determine whether it meets the performance criteria. Nasdaq will list and trade the first NextShares product on February 26, 2016 and plans to include NextShares in the LMM Program as Qualified Securities effective that day.

Nasdaq is also proposing to make a technical change to rule text in Rule 7014(f). Currently, Nasdaq describes Qualified Securities as being ''exchange-traded fund or index-linked security listed on Nasdaq pursuant to Nasdaq Rules 5705, 5710, 5720, or 5735.''[5] Nasdaq is proposing to replace references to exchange-traded funds and index-linked securities under subparagraphs (f)(1)(A) and (f)(2) of Rule 7014 with the term ''exchange-traded product,'' which is a broader term that incorporates exchange-traded funds, index-linked securities, and NextShares within its meaning. The new term does not change what is eligible to be a Qualified Security under the rule.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Nasdaq believes that inclusion of NextShares in the LMM Program is reasonable because the new ETP is novel, and offering incentives to market makers to provide liquidity in the product will help ensure its successful launch. The LMM Program is designed to improve liquidity in ETPs by allocating rebates to LMMs that quote at the national best bid and best offer for certain percentages of time. As additional incentive, the LMM Program

[3] *See* Rule 5745(c)(1).

[4] For a description of NAV-Based Trading and proxy price, *see* Rule 5745(b)(3); *see also* Securities Exchange Act Release No. 73562 (November 7, 2014), 79 FR 68309 (November 14, 2014) (SR–NASDAQ–2014–020) and Securities Exchange Act Release No. 75815 (September 2, 2015), 80 FR 54349 (September 9, 2015) (SR–NASDAQ–2015–103).

[5] Rule 7014(f)(1)(A).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4) and (5).

also provides different levels of fee caps on the fees assessed for participation in the Opening and Closing Crosses on Nasdaq. The LMM Program has been successful at improving market quality in the securities covered by the program. Thus Nasdaq believes the program will be effective at providing incentive to market makers on Nasdaq to become LMMs in NextShares thereby improving market quality in those securities. Nasdaq believes that the proposed change to Rule 7014(f) is an equitable allocation and is not unfairly discriminatory because all market makers that are elected to be designated as LMMs and meet the minimum performance criteria have the opportunity to qualify for a rebate and fee cap under the program in NextShares. Nasdaq believes that the proposed rule change will protect investors and the public interest because it may increase market maker participation in NextShares, which would in turn make the market in NextShares deeper and more liquid than it would be if NextShares were not included in the program. Deep and liquid markets protect investors and promote the public interest by allowing market participants to buy and sell securities quickly at competitive prices.

Lastly, Nasdaq believes that the proposed use of the term exchange-traded product in lieu of the terms exchange-traded fund and index-linked security is consistent with the protection of investors and the public interest because it clarifies the rule text with a more commonly-used term to describe the securities eligible to be Qualified Securities under the LMM Program and does not change the type of securities eligible to be included in the program.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the change is designed to improve market quality through the application of an ETP incentive program to a type of ETP that is currently not part of the program. A new ETP product, NextShares, may have comparatively low liquidity upon listing. Including NextShares in the LMM Program is designed to improve market quality in NextShares. Lastly, to the extent market quality in NextShares improves from inclusion in the LMM Program, the proposed change may promote competition among exchanges for new NextShares listings and similar incentive programs, to the benefit of all market participants trading NextShares.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that NextShares may be included as Qualified Securities in the LMM Program on February 26, 2016, the first day of trading for NextShares on Nasdaq. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it could allow NextShares investors to benefit from potential increased liquidity that an LMM could provide in a Qualified Security as early as the first day of trading for NextShares on Nasdaq. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[12]

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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2016–019 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–NASDAQ–2016–019. 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 Nasdaq. 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–

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

NASDAQ–2016–019 and should be submitted on or before March 4, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02840 Filed 2–11–16; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14614 and # 14615]

Florida Disaster #FL–00110

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Florida dated 02/05/2016.

Incident: Tornado

Incident Period: 01/09/2016.

Effective Date: 02/05/2016.

Physical Loan Application Deadline Date: 04/05/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/07/2016.

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 Administrator's disaster declaration, 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: Lee.

Contiguous Counties:

Florida: Charlotte, Collier, Glades, Hendry.

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 14614 C and for economic injury is 14615 0.

The State which received an EIDL Declaration # is Florida.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: February 5, 2016.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2016–02874 Filed 2–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14616 and #14617]

Florida Disaster #FL–00111

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Florida dated 02/05/2016.

Incident: Severe Storms and a Tornado.

Incident Period: 01/15/2016 through 01/17/2016.

Effective Date: 02/05/2016.

Physical Loan Application Deadline Date: 04/05/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/07/2016.

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 Administrator's disaster declaration, 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: Sarasota.

Contiguous Counties:

Florida: Charlotte, Desoto, Manatee.

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 14616 C and for economic injury is 14617 0.

The State which received an EIDL Declaration # is Florida.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: February 5, 2016.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2016–02873 Filed 2–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14620]

Michigan Disaster #MI–00054 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Michigan, dated 02/05/2016.

Incident: Contaminated Public Water Supply.

Incident Period: 10/01/2015 and continuing.

Effective Date: 02/05/2016.

EIDL Loan Application Deadline Date: 11/07/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and

[13] 17 CFR 200.30–3(a)(12).

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 Administrator's EIDL declaration, applications for economic injury 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: Genesee.

Contiguous Counties:

Michigan: Lapeer, Livingston, Oakland, Saginaw, Shiawassee, Tuscola.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for economic injury is 146200.

The States which received an EIDL Declaration # are Michigan.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: February 5, 2016.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2016–02928 Filed 2–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[C3 Capital Partners III, L.P.; License No. 07/07–0118]

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that C3 Capital Partners III, L.P., 1511 Baltimore Avenue, Suite 500, Kansas City, MO 64108, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107). Midwest Mezzanine Fund V SBIC, L.P., proposes providing subordinated debt and private equity financing to Drive Source International, 7900 Durand Avenue, Sturtevant, WI 53177. The financing by C3 Capital Partners III, L.P. will discharge obligations held by C3 Capital Partners II, L.P., LLC.

This financing is brought within the purview of § 107.730 of the Regulations because C3 Capital Partners III, L.P. and C3 Capital Partners II, L.P. are Associates and C3 Capital Partners II, L.P., holds over five percent of the equity in DSI, therefore this transaction requires prior SBA exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Mark Walsh,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2016–02872 Filed 2–11–16; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14585 and #14586]

Oklahoma Disaster Number OK–00098

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment 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: 02/03/2016.

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: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oklahoma, dated 12/29/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Bryan, Garfield, Greer.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–02930 Filed 2–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14623 and # 14624]

Arkansas Disaster # AR–00087

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 Arkansas (FEMA–4254–DR), dated 02/05/2016.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 12/26/2015 through 01/22/2016.

Effective Date: 02/05/2016.

Physical Loan Application Deadline Date: 04/05/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/07/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/05/2016, 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, Boone, Bradley, Calhoun, Carroll, Clay, Crawford, Dallas, Drew, Franklin, Greene, Independence, Izard, Lawrence, Little River, Logan, Madison, Marion, Mississippi, Montgomery, Ouachita, Perry, Pike, Polk,

Randolph, Scott, Searcy, Stone, Washington, White, Woodruff, Yell.

The Interest Rates are:

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 14623B and for economic injury is 14624B.

(Catalog of Federal Domestic Assistance Numbers 59008)

Lisa Lopez-Suarez,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–02929 Filed 2–11–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14621 and #14622]

Arkansas Disaster #AR–00086

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 Arkansas (FEMA–4254–DR), dated 02/05/2016.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 12/26/2015 through 01/22/2016.

Effective Date: 02/05/2016.

Physical Loan Application Deadline Date: 04/05/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/07/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/05/2016, 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, Carroll, Crawford, Faulkner, Jackson, Jefferson, Lee, Little River, Perry, Sebastian, Sevier.

Contiguous Counties (Economic Injury Loans Only):

Arkansas:

Arkansas, Boone, Cleburne, Cleveland, Conway, Craighead, Crittenden, Cross, Franklin, Garland, Grant, Hempstead, Howard, Independence, Lawrence, Lincoln, Logan, Lonoke, Madison, Miller, Monroe, Newton, Phillips, Poinsett, Polk, Pulaski, Saint Francis, Saline, Scott, Van Buren, Washington, White, Woodruff, Yell.

Missouri:

Barry, McDonald, Stone, Taney.

Mississippi:

Tunica.

Oklahoma:

Adair, Delaware, Le Flore, McCurtain, Sequoyah.

Texas:

Bowie.

The Interest Rates are:

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 14621B and for economic injury is 146220.

(Catalog of Federal Domestic Assistance Numbers 59008)

Lisa Lopez-Suarez,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–02931 Filed 2–11–16; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 35992]

Wisconsin Central Ltd.—Trackage Rights Exemption—Lines of Union Pacific Railroad Company and Illinois Central Railroad Company

Illinois Central Railroad Company (IC), pursuant to a written trackage rights agreement,[1] has agreed to grant Wisconsin Central Ltd. (WCL)[2] overhead trackage rights over connecting rail lines owned by Union Pacific Railroad Company (UP) and IC, between milepost AO 36.7 at Joliet, and milepost AH 41.13 at South Joliet, in Will County, Ill., a distance of approximately 4.43 miles.[3]

The transaction may be consummated on February 27, 2016, the effective date of the exemption (30 days after the exemption was filed).

WCL states that the proposed trackage rights will facilitate the efficient provision of service to and from a rail-served logistics facility at Joliet, via a switch connection located on UP's line. WCL states also that by allowing more direct service and enhancing crew utilization, the proposed transaction will improve rail operations within the Chicago terminal area to the benefit of WCL, IC, and UP.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980). This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by February 19, 2016 (at least

[1] An executed copy of the amendment to the 2009 agreement between IC and WCL was filed with the notice of exemption. A redacted version of the underlying 1987 trackage rights agreement between IC and UP (as amended) was also filed with the notice. An unredacted version of the 1987 agreement was filed under seal along with a motion for protective order, which will be addressed in a separate decision.

[2] WCL and IC are indirect subsidiaries of Canadian National Railway Company.

[3] WCL states that numeric mileposting on the line is continuous (measured from Chicago Union station), but the alpha prefix designation changes from AO to AH at milepost 38.5. WCL also states that the distances between terminal mileposts on the line can be measured without regard to the alpha prefixes.

seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35992, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

According to WCL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.''*

Decided: February 9, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2016–02903 Filed 2–11–16; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0460]

Hours of Service of Drivers: Farruggio's Express, Application for Exemption

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

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

SUMMARY: FMCSA announces that it has received an application from Farruggio's Express (Farruggio) for an exemption from timecard requirements for its drivers who may not meet all of the conditions for utilization of the 100 air-mile radius log book exemption in that section. The request would exempt Farruggio's drivers who stay within the 100 air-mile radius, but may occasionally exceed the 12 hour limitation, from having to complete a daily record of duty status (RODS). Farruggio states that its entire fleet of commercial motor vehicles (CMVs) is equipped with Global Positioning System (GPS) vehicle tracking devices, which it believes justifies the request for this exemption and provides an equivalent or greater level of safety than would be obtained by complying with the regulations. FMCSA requests public comment on Farruggio's application for exemption.

DATES: Comments must be received on or before March 14, 2016.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2015–0460 by any of the following methods:

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

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

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

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

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2015–0460), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2015–0460'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. An option to upload a file is provided. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period in deciding whether to grant or deny this application.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, ''FMCSA–2015–0460'' 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application,

including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

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

III. Request for Exemption

Farruggio provides service to railroad ramps and maritime piers in the eastern United States. Its regional programs also include truckload and less-than-truckload service (dry van, flat bed and reefers) as well as piggyback and container service. Farruggio expects that all of their drivers—approximately 95 to 100—and CMVs would operate under the terms of the requested exemption.

According to Farruggio, virtually all of its drivers operate within a 50- to 60-mile radius of their home terminal. They are home every day and for the most part meet the current exemption requirements and conditions of the 100 air-mile radius driver (49 CFR 395.1(e)(1)). Some of these drivers record their hours worked on an ''exempt'' record of duty status (RODS), while others record time in and time out and total hours worked for the day on a worksheet provided by Farruggio. This exemption request would enable Farruggio's drivers who stay within the 100 air-mile radius, but occasionally exceed the 12-hour limitation, from having to complete a daily RODS on days when they exceed the 12-hour limit. On a weekly basis, Farruggio averages about 12% of their drivers exceeding the 12-hour limitation, primarily due to waiting times at rail yards and piers. The drivers who occasionally exceed the 12-hour limitation return to the terminal within the 14-hour work limit. On average Farruggio sees less than .03% of its drivers exceeding the 14-hour limit. In the exemption request, Farruggio states that these drivers will not exceed the 14-hour rule limit.

While Farruggio meets the requirements of the 100 air-mile radius exemption, and believes that its drivers' hours are being recorded accurately, the company has embarked on the use of a vehicle recording device called the Geo Tab 7 that it says exceeds the recording requirements of the exempt RODS. Farruggio states that the use of this device further increases the safety performance of its drivers and accurately records all of their activities including on-duty and driving time as well as total hours for that day. The Geo Tab 7 has been installed in all of Farruggio's CMVs. According to the application, this system will exceed the requirements of FMCSA's final rule on Electronic Logging Devices published on December 16, 2015 (80 FR 78292). It allows Farruggio to track vehicles through the use of GPS positioning, monitors all vehicle activities through connection to the engine control module and accurately reports hours driven and hours worked daily.

Farruggio states that the use of a daily RODS or exempt log book does not enable the company to monitor and respond to certain events in a timely manner, since it is unaware of them until the RODS are audited when turned in by the drivers at the end of the week. Conversely, with the use of the electronic system, Farruggio sees events as they occur in real time and can respond immediately.

Farruggio believes that the use of the electronic system, along with its increased focus on driver training and education, goes beyond simple compliance with the Federal regulations and raises the company's efforts to more than basic compliance. The system has allowed and will continue to allow Farruggio to provide additional timely oversight of safety issues and has improved and will enable it to enhance safety and reduce fatigue. Farruggio believes that the request for exemption goes beyond what is minimally required by the present exempt RODS provisions, and will increase safety, compliance and protect the motoring public.

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

Farruggio states that it is committed to a partnership with FMCSA that will enhance overall vehicle safety and protect the lives of all that company drivers interact with.

If this exemption is granted, Farruggio proposes to implement the following conditions on the use of this exemption:

- Allow FMCSA and the State enforcement partners access to its data as both a monitoring and training tool. This would be provided to the Agency and State partners by granting them access at any time through Farruggio's Web portal or conducting an on-site Compliance Review of the carrier;
- Farruggio will maintain a Satisfactory safety rating;
- Farruggio's drivers will carry a copy of the exemption with them when operating the CMV;
- Farruggio will conduct a minimum of four safety meetings per year at each of their individual terminals;
- Farruggio will continue its ongoing immediate notification and training for any of its drivers who exceeds a speed limit; and
- Farruggio will continue its ongoing immediate notification and training for any of its drivers who may exceed the HOS limits.

Relating to some of these conditions listed, the electronic reporting system further enables Farruggio to track and advise its CMV drivers of the following events: (1) Idling over 5 minutes, (2) speeding, (3) dangerous driving including hard braking, harsh cornering and harsh acceleration, and (4) seat belt use. Every time a driver exceeds posted speed limits an email alert is sent to Farruggio's safety department, and company and terminal management. Drivers are notified via email and phone when safe to do so, advising them of the need to slow down. Drivers also receive email notifications, letters, and phone calls for instances of harsh cornering and hard braking. When notified of these critical events, Farruggio's drivers receive critical information on why and how to improve vehicle handling to avoid rollovers, and how to better judge following distance and other issues to avoid hard braking. Since implementation of the electronic system and Farruggio's notification of speeding events, speeding has been decreased over 95%.

A copy of Farruggio's application for exemption is available for review in the docket for this notice.

Issued on: February 3, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–02896 Filed 2–11–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2016–0002–N–4]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: FRA hereby gives notice that it is submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for Emergency Processing under the Paperwork Reduction Act of 1995. FRA requests that OMB authorize the collection of information identified below seven days after publication of this Notice for a period of 180 days.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Regulatory Safety Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Organizations and individuals desiring to submit comments on these information collection requirements should send them directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St. NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to the Office of Management and Budget at the following address: *oira_submissions@omb.eop.gov*.

Below is a brief summary of the currently approved ICR that FRA will submit for clearance by OMB as required under the PRA:

Title: Bridge Safety Standards.

OMB Control Number: 2130–0586.

Abstract: On July 15, 2010, FRA published its Bridge Safety Standards Final Rule. *See* 75 FR 41281. The final rule on bridge safety standards normalized and established federal requirements for railroad bridges. The final rule established minimum requirements to assure the structural integrity of railroad bridges and to protect the safe operation of trains over those bridges. The final rule required railroads/track owners to implement bridge management programs to prevent the deterioration of railroad bridges and to reduce the risk of human casualties, environmental damage, and disruption to the Nation's transportation system that would result from a catastrophic bridge failure. Bridge management programs were required to include annual inspection of bridges as well as special inspections, which must be conducted if natural or accidental events cause conditions that warrant such inspections. Lastly, the final rule required railroads/track owners to audit bridge management programs and bridge inspections and to keep records mandated under 49 CFR part 237. This final rule culminated FRA's efforts to develop and promulgate bridge safety regulations and fulfilled the Railroad Safety Improvement Act of 2008 (Pub. L. 110–432, Division A) mandate.

The information collected is used by FRA to ensure that railroads/track owners meet Federal standards for bridge safety and comply with all the requirements of this regulation. In particular, the collection of information is used by FRA to confirm that railroads/track owners adopt and implement bridge management programs to properly inspect, maintain, modify, and repair all bridges that carry trains over them for which they are responsible. Railroads/track owners must conduct annual inspections of railroad bridges. Further, railroads/track owners must incorporate provisions for internal audit into their bridge management program and must conduct internal audits of bridge inspection reports. The internal audit information is used by railroads/track owners to verify that the inspection provisions of the bridge management program are being followed and to continually evaluate the effectiveness of their bridge management program and bridge inspection activities. FRA uses this information to ensure that railroads/track owners implement a safe and effective bridge management program and bridge inspection regime.

On December 4, 2015, President Obama signed into law the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94). Section 11405, ''Bridge Inspection Reports,'' provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to FRA. *See* 49 CFR 1.89.

FRA is revising its currently approved information collection to account for the additional burden that will be incurred by States and political subdivisions of States requesting a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. FRA has developed a new Form titled ''Bridge Inspection Report Public Version Request Form'' to facilitate such requests by States and their political subdivisions. Additionally, FRA is

revising its currently approved information collection to account for the additional burden that will be incurred by railroads to provide the public version of a bridge inspection report upon agency request to FRA.

As provided under 49 CFR 1320.13, FRA is requesting emergency processing for this new collection of information as specified in the Paperwork Reduction Act of 1995 and its implementing regulations. FRA cannot reasonably comply with normal clearance procedures since they would be reasonably likely to disrupt the collection of information. With the recent passage of the FAST Act, FRA expects States and their political subdivisions to immediately request a public version of bridge inspection reports that affect critical infrastructure within their jurisdiction to ensure public safety. Upon receipt of such requests, FRA will require railroads to submit to the agency a public version of the most recent bridge inspection report. Therefore, FRA is requesting OMB approval as soon as possible (*i.e.,* 7 days after publication of this Notice) for this collection of information.

Form Number(s): FRA F 6180.167.

Affected Public: States/Political Subdivisions of States and Businesses.

Respondent Universe: 50 States/State Political Subdivisions and 693 Railroads.

Frequency of Submission: On occasion.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
NEW FAST ACT REQUIREMENTS:				
—Form FRA F 6180.167	50 States/State Political Subdivision.	75 forms	5 minutes	6
—Railroad Submission to FRA of Bridge Inspection Report—Public Version.	693 Railroads	75 reports	60 minutes	75
237.3—Notifications to FRA of Assignment of Bridge Responsibility.	693 Railroads	15 notifications	90 minutes	22.5
—Signed Statement by Assignee Concerning Bridge Responsibility.	693 Railroads	15 signed statements	30 minutes	7.5
237.9—Waivers—Petitions	693 Railroads	6 petitions	4 hours	24
23731/33—Development/Adoption of Bridge Management Program.	693 Railroads	5 plans	24 hours	120
237.57—Designation of Qualified Individuals	693 Railroads	1,000 designations	30 minutes	400
237.71—Determination of Bridge Load Capacities.	693 Railroads	2,000 determinations	8 hours	16,000
237.73—Issuance of Instructions to Railroad Personnel by Track Owner.	693 Railroads	2,000 instructions	2 hours	4,000
237.105—Special Bridge Inspections and Reports/Records.	693 Railroads	7,500 insp. and reports/records.	12.50 hours	93,750
—Special Underwater Inspections	693 Railroads	50 insp. and Reports/rcds.	40 hours	2,000
237.107 and 237.109—Nationwide Annual Bridge Inspections—Reports.	693 Railroads	15,450 insp. & reports	4 hours	61,800
—Records	693 Railroads	15,450 records	1 hour	15,450
—Report of Deficient Condition on a Bridge	693 Railroads	50 reports	30 minutes	25
237.111—Review of Bridge Inspection Reports by RR Bridge Engineers.	693 Railroads	2,000 insp. rpt. reviews	30 minutes	1,000
—Prescription of Bridge Insp. Procedure Modifications After Review.	693 Railroads	200 insp. proc. modifications.	30 minutes	100
237.131—Design of Bridge Modifications or Bridge Repairs.	693 Railroads	1,250 designs	16 hours	20,000
—Bridge Modification Repair Reviews/Supervisory Efforts.	693 Railroads	1,250 br. mod. repair reviews.	1.50 hours	1,875
—Common Standard Designed by Railroad Bridge Engineer.	693 Railroads	50 standards	24 hours	1,200
237.153—Audits of Inspections	693 Railroads	725 insp. audits	80 hours/24 hours/6 hours.	5,534
237.155—Documents and Records:				
—Establishment of RR Monitoring and Info. Technology Security Systems for Electronic Recordkeeping.	693 Railroads	5 systems	80 hours	400
—Employees Trained in System	693 Railroads	100 employees	8 hours	800

Total Estimated Responses for New FAST Act Requirements: 150.

Total Estimated Responses for Entire Information Collection: 49,271.

Total Estimated Total Annual Burden for New FAST Act Requirements: 81 hours.

Total Estimated Total Annual Burden Entire Information Collection: 224,689 hours.

Type of Request: Emergency Clearance to the revision of a currently approved information collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

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

Corey Hill,

Acting Executive Director.

[FR Doc. 2016–02892 Filed 2–11–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

West Los Angeles VA Medical Center; Draft Master Plan

AGENCY: Department of Veterans Affairs.

ACTION: Notice—Correction.

SUMMARY: On February 2, 2016, the Department of Veterans Affairs (VA) published a notice in the **Federal Register** announcing publication of the Draft Master Plan for the West Los Angeles Department of Veterans Affairs campus. That notice contained language that we are now clarifying.

DATES: These corrections will be effective as of February 12, 2016.

Correction

The notice VA published in the **Federal Register** on February 2, 2016 (81 FR 552), stated on page 5526, in the third column:

''The proposed timeline involves developing 60 units within the next 12 months, 150 units over the next 24 to 30 months, 280 units over the next 30 months, 280 units over the next 4 to 5 years, and 430 units over the next 6 to 10 years—all totaling 1,200 units.''

As a clarification, that sentence is being replaced with the following sentence:

''Specifically, after legislative enactment, the proposed timeline involves developing 490 units within the first 30 months, 280 additional units within 4 to 5 years, and 430 additional units within 6 to 10 years—all totaling 1,200 units.''

Dated: February 9, 2016.

William F. Russo,

Office of the General Counsel, US Department of Veterans Affairs.

[FR Doc. 2016–02883 Filed 2–11–16; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 81 Friday,

No. 29 February 12, 2016

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5907–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2015 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies were required to notify HUD by December 31, 2015, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, Room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*e.g.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AGRICULTURE: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; AIR FORCE: Mr. Robert E. Moriarty, P.E., AFCEC/CI, 2261 Hughes Avenue, Ste. 155, JBSA Lackland, TX 78236–9853; ARMY: Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of the Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571) 256–8145; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040, Washington, DC 20405, (202) 501–0084; INTERIOR: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 3960 N. 56th Ave. #104, Hollywood, FL 33021; (443) 223–4639; NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426; (These are not toll-free numbers).

Dated: February 4, 2016.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V PROPERTIES REPORTED IN YEAR 2015 WHICH ARE SUITABLE AND AVAILABLE

Agriculture

Building

California

2 Buildings Property Number: 15201510014
5050 Smokey Court
Camp Connell CA 95223
Location: Site 5202, Bldg. 5002
Status: Excess
Comments: off-site removal; 48+ yrs. old; wood structure; 528 sq.; office; very poor conditions; no future agency need; contact Agriculture of more info.

Michigan

Ontonagon Ranger House Property Number: 15201430018
1205 Rockland Road
Ontonagon MI 49953
Status: Unutilized
Comments: 1,570 sq. ft., residential; 96+ months vacant; poor conditions; contact Agriculture for more information.

Luther Property Number: 15201530003
Fornell Road
Luzerne MI 48636
Status: Unutilized
Comments: off-site removal; no future agency need; 40+ yrs. old; 852 sq. ft.; vacant 36+ mos.; poor conditions; contact Agriculture for more information.

Sprinkler Lake Staff Dorm Property Number: 15201530005
1700 Adams Rd.,
Glennie MI 48737
Location: 51258 Staff Dormitory
Status: Unutilized
Comments: off-site removal only; no future agency need; 2,112 sq. ft.; removal difficult due to size/type; repairs needed; asbestos; contact Agriculture for more information.

Kenton Dwelling #3 Property Number: 15201530007
5005 East M–28
Kenton MI 49967
Location: Infra #1107
Status: Excess
Comments: 1,500 sq. ft.; residential; 50+ yrs. old; fair conditions; contact Agriculture for more information.

Reinhold Property Number: 15201530011
Red Water Dr.
Luzerne MI 48636
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,560 sq. ft.; seasonal residence; removal diff. due to type/size; significant renvo. needed; contact Agriculture for more information.

Mississippi

Modular Office, Bio Lab Property Number: 15201530001
141 Experiment Station Road
Stoneville MS 38776
Location: ARS 640200B057 RPUID:03.480
Status: Unutilized
Comments: off-site removal; 13+ yrs. old; 960 sq. ft.; 13+ yrs. vacant; shelter; poor condition; no future Agency need; contact USDA for more information.

Quonset Hut Storage Property Number: 15201540001
(72–0005–TAL); Intersection of Rd. 2441/2081
Abbeville MS 38601
Location: (34 degrees 30′ 06.0″ N., 89 degrees 26′ 18.0″ W.)
Status: Excess
Comments: off-site removal only; 1,677 sq. ft.; storage; removal difficult due to type/

size; needs new roof/siding; asbestos; contact Agriculture for more information.

Montana

Residential Garage W/1032 Property Number: 15201520025
Infra #1500
Ant Flat Road
Eureka MT 95501
Status: Excess
Comments: off-site removal only; 61+ yrs. old; 491 sq. ft.; storage; contact Agriculture for more information.

2-Bedroom Family Dwelling Property Number: 15201520026
Infra. #1032
Ant Flat Road
Eureka MT 95501
Location: Ant Flat Road
Status: Excess
Comments: off-site removal; 64+ yrs. old; 1,004 sq. ft.; residential; 30+ mos. vacant; experience extensive flood; damage which caused significant mold damage; contact Agriculture for more information.

New York

Hector Grazing Association Property Number: 15201510001
Hdgt. House
5046 Rt. 1 Searsburg Road
Hector NY 14886
Status: Unutilized
Comments: 125+ yrs. Old; 1,000 sq. ft.; storage; residential; vacant 96 NOS; wood structure; repaired needed in 2006 totaled $89,000; contact Agric. For more info.

Oregon

XX334 GB Grizzly Communication Property Number: 15201430020
Bldg. 1560.005181 076630 00
Agness OR 97406
Location:
25 sq.; shed; 39+ yrs. old; poor condition
Status: Excess
Comments: off-site removal only; restrictive removal due to constraints surrounding land/vegetation.

South Carolina

Witherbee Dwelling D (604) Property Number: 15201530015
2367 Witherbee Road
Cordesville SC 29434
Location: RPUID: #2120.006791
Status: Excess
Comments: off-site removal only; 1,400 sq. ft.; 84+ months vacant; residential; significant renvo. needed; asbestos/mold; a waiting funding for remediation; contact Agriculture for more information.

Witherbee Dwelling E (605) Property Number: 15201530016
2355 Witherbee Road
Cordesville SC 29434
Location: RPUID: #2121.006791
Status: Excess
Comments: off-site removal only; 1,400 sq. ft.; 84+ months vacant; residential; significant renvo. needed; asbestos/mold; awaiting funding for remediation; contact Agriculture for more information.

Witherbee Dwelling B (602) Property Number: 15201530017
2397 Witherbee Road
Cordesville SC 29434
Location: RPUID: #2222.006791
Status: Excess
Comments: off-site removal only; 1,400 sq. ft.; 84+ months vacant; residential; significant renov. needed; asbestos/mold; awaiting funding for remediation contact Agriculture for more information.

Witherbee Dwelling C (603) Property Number: 15201530018
2381 Witherbee Road
Cordesville SC 29434
Location: RPUID: #2119.006791
Status: Excess
Comments: off-site removal only; 1,455 sq. ft.; 84+ months vacant; residential; significant renov. needed; asbestos/mold; awaiting funding for remediation; contact Agriculture for more information.

Washington

Beth Lake Comfort Station Property Number: 15201520029
1303.005031
Beth Lake Campground
Chesaw WA 98844
Location: 0325–0765300
Status: Unutilized
Comments: off-site removal; 50+ yrs. old; 900 sq. ft.; toilet; 24+ mos. Vacant; not needs replacing; no future agency need; contact Agriculture for more information.

2 Buildings Property Number: 15201540002
Liscumm Road
Quinault WA 98575
Location: Residence-Norwood 1048 (1140.005071); Residence-Norwood 1047 (1139.005071) 07665 00 both bldgs. 1503 sq. ft.
Status: Excess
Comments: off-site removal only; 46+ yrs. old; 4+ & 36+ mos. vacant; residential; asbestos; may be difficult to move because of type & size; contact Agriculture for more information.

Wisconsin

Luepke Way Garage Property Number: 15201440005
207 Luepke Way
Medford WI 54451
Status: Unutilized
Comments: off-site removal only; no future agency need; 96+ months vacant; 576 sq. ft.; roof & siding in poor conditions; wood structure; contact Agriculture for more information.

Clam Lake Warehouse #364 Property Number: 15201510029
61766 Highway 77
Clam Lake WI 54517
Status: Unutilized
Comments: off-site removal only; no future agency need; 800 sq. ft.; storage; good condition; contact Agriculture for more information.

Air Force

Building

Alaska

2 Buildings Property Number: 18201310030
Industrial Ave.
Eielson AFB AK 99702
Location: 6213, 6214
Status: Unutilized
Comments: off-site removal only; sf. varies; major repairs needed; contact AF for more info. on a specific property & accessibility/removal reqs.

Building 720 Property Number: 18201320083
Fuel Lane
King Salmon Airport AK
Status: Unutilized
Comments: 285 sf.; fuel building; 24+ months vacant; deteriorated; periodic flooding (next to Naknek River)

Land

Parcel of Land Property Number: 18201330011
Joint Base Elmendorf Richardson
JBER AK 99506
Status: Underutilized
Comments: 20x20 (400sf.); secured area; must obtain a visitor's pass & have a gov't sponsor escort to access installation; contact Air Force for more info.

37,515 SF of Land Property Number: 18201340003
JBER-Elmendorf
JBER AK 99506
Status: Underutilized
Comments: restricted area; transferee must obtain a government sponsor to access property; contact Air Force for more info.

Arkansas

23.7 Acres Property Number: 18201520021
Harris Road/Little Rock AFB
Little Rock AR 72099
Status: Unutilized
Comments: 23.7 Acres; contact AF for more information.

Building

California

Building 1028 Property Number: 18201240009
19338 North St.
Beale CA 95903
Status: Unutilized
Comments: 178 sf.; storage; poor conditions; asbestos & lead; restricted area; contact AF for info. on accessibility requirements.

Building 2153 Property Number: 18201240010
6900 Warren Shingle
Beale AFB CA 95903
Status: Unutilized
Comments: 4,000; very poor conditions; asbestos & lead possible; restricted area; contact AF for info. on accessibility requirements.

2 Buildings Property Number: 18201510018
Edwards AF Base
Edwards AF Base CA 93524
Location: 9590 (384 sq. ft.); 9592 (384 sq. ft.), 9590 (384 sq. ft.); 9592 (384 sq. ft.)
Status: Unutilized
Comments: off-site removal; 57+ yrs. old; 9 yrs. vacant; masonry block; camera sites; no future agency need; contact AF for more info.

Colorado

Building 00001 Property Number: 18201430002
Hawkinsville Space Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 2,880 sq. ft.; 4+ months vacant; fair to good conditions; environmental conditions exist; contact Air Force for more information.

Building 0001 Property Number: 18201430003
Lake Kickapoo Space Surveillance Station
Peterson AFR CO
Status: Excess
Comments: 3,710 sq. ft.; 9+ months vacant; fair to good conditions; environmental condition exists; contact Air Force.

Building 00006 Property Number: 18201430004
Red River Space Surveillance Center
Peterson AFK CO
Status: Excess
Comments: 196 sq. ft.; 4+ months vacant; fair to good conditions; contact Air Force for more information.

Building 00003 Property Number: 18201430006
Hawkinsville Space Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 1,650 sq. ft.; 4+ months vacant; good to fair conditions; contact Air Force for more information.

Lake Kickapoo Space Property Number: 18201430007
Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 800 sq. ft.; 4+ months vacant; repairs needed; contact Air Force for more information.

Jordan Lake Space Property Number: 18201430008
Surveillance Station
Peterson AFB CO
Location: Buildings 00001; 00003; 00006
Status: Excess
Comments: Building 1: 2,565 sq. ft.; building 3: 800 sq. ft.; building 6: 156 sq. ft.; good to moderate conditions; contact Air Force for more information.

Building 00006 Property Number: 18201430009
Hawkinsville Space Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 172 sq. ft.; repairs needed; contact Air Force for more information.

4 Buildings Property Number: 18201430010
San Diego Space Surveillance Station
Peterson AFB CO
Location: Buildings 00001; 00003; 00026; 00081
Status: Excess
Comments: Building: 1 = 5,002 sq. ft.; Building: 3 = 900 sq. ft.; Building 26 = 500 sq. ft.; Building 81 = 800 sq. ft.; good to poor conditions.

3 Buildings Property Number: 18201430017
Lake Kickapoo Space Surveillance Station
Peterson AFB CO
Location: Buildings 00006; 00007; 00009
Status: Excess
Comments: Building 6—400 Sq. ft.; building 7—1,109 sq. ft.; building 9—100 sq. ft.; repairs needed; contact Air Force for more information.

Buildings 00001 and 00003 Property Number: 18201430018
Red River Space Surveillance Center
Peterson AFB CO
Status: Excess
Comments: Building 1—2,755 sq. ft.; building 3—775 sq. ft.; good conditions; contact Air Force for more information.

2 Buildings Property Number: 18201430019
Tattnall Space Surveillance Station
Peterson AFB CO
Location: Buildings 00006 and 00001
Status: Excess
Comments: Building 6—80 sq. ft.; building 1—2,807 sq. ft.; good conditions; contact Air Force for more information.

Land

Red River Space Surveillance Property Number: 18201430011
Center
Lat. 33.19 50.77431 N Long. 093.33 00.35121 W
Peterson AFB CO
Status: Excess
Comments: 60 acres; contact Air Force for more information.

Jordan Lake Space Surveillance Property Number: 18201430012
Station
Lat. 32 39 32.4828 N. Long. 086 15 48.6672 W.
Peterson AFB CO
Status: Excess
Comments: 9 acres; contact Air Force for more information.

San Diego Space Surveillance Property Number: 18201430013
Station
Lat. 32 34 38.69636 N. Long. 116 58 28.92446 W.
Peterson AFB CO
Status: Excess
Comments: 109 acres; contact Air force for more information.

Lake Kickapoo Space Property Number: 18201430014
Surveillance Station
Lat. 33 33 14.33880 N. Long. 098 45 46.47286 W.
Peterson AFB CO
Status: Excess
Comments: 1,342 acres; contact Air Force for more information.

Hawkinsville Space Surveillance Property Number: 18201430015
Station
Lat. 32 17 15.1011 N. Long. 083 32 11.1625 W.
Peterson AFB CO
Status: Excess
Comments: 131 acres; contact Air Force for more information.

Tattnall Space Surveillance Property Number: 18201430016
Station
Lat. 32 02 37.6891 N. Long. 081 55 33.2267 W.
Peterson AFB CO
Status: Excess
Comments: 102 acres; contact Air Force for more information.

Building

Florida

Building 5002 Property Number: 18201310010
6801 Hwy 98
Tyndall AFB FL 32403
Status: Unutilized
Comments: 151 sf.; water pump station; 6 mons. vacant; major repairs; restricted area; contact AF for info. on accessibility reqs.

2 Buildings Property Number: 18201340040
CoCoa Beach Tracking Annex
Cocoa Beach FL 32931
Location: 00001 (59 sq. ft.); 00002 (1,030 sq. ft.)
Status: Unutilized
Comments: 56+ yrs. old; 24+ months vacant; launch support; fair conditions; contact Air Force for more info.

3 Buildings Property Number: 18201510036
Eglin AFB; FTFA 0001
Duke Field FL 32542
Location: 3298 (120 sq. ft.); 3043 (121 KG); 3034 (152 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; 60+ yrs. old; sewage disposal storage; vacant 12+ mons.; deteriorated; may be difficult to move; contact Air Force for more information.

3 Buildings Property Number: 18201510039
Eglin AFB
Eglin AFB FL 32542
Location: 2202 (590 sq. ft.); 8703 (540 sq. ft.); 1389 (782 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; maybe difficult to move; 28+ yrs.-old; vacant 12+ mons.; latrine; contact Air Force for more information.

Building 1356 Property Number: 18201510043
Eglin AFB
Eglin FL 32542
Status: Unutilized
Comments: off-site removal only; no future agency need; 100 sq. ft.; weapon inspection; 12+ months vacant; deteriorated; contact Air Force for more information.

2 Buildings Property Number: 18201530019
Eglin AFB
Eglin AFB FL 32542
Location: 9449 (900 sq. ft.; storage); 12711 (2,638 sq. ft.; communication bldg.)
Status: Unutilized
Comments: buildings need repairs; controlled access required to get on range; contact AF for more details on a specific property.

Building 9450 Property Number: 18201530020
Eglin AFB
Eglin AFB FL 32542
Status: Unutilized
Comments: 360 sq. ft.; storage; 61+ yrs.-old; repairs needed; controlled access required to get on range; contact AF for more information.

Building 9456 Property Number: 18201530021
Eglin AFB
Eglin FL 32542
Status: Unutilized
Comments: 1,033 sq. ft.; storage; repairs needed; controlled access required to get on range; contact AF for more information.

2 Buildings Property Number: 18201530024
Fairway Drive
Niceville FL 32578
Location: 1542 (206 sq. ft.; restroom/storage); 1543 (170 sq. ft.; restroom)

Status: Unutilized
Comments: 50+ yrs. old; deteriorated; repairs needed; contact Air Force for more information on a specific property.

Land

WBPA (9901/72441/99300) Property Number: 18201310041
9901 E. Pine Ave.
St. George Island FL 32328
Status: Excess
Comments: .34 acres; tower & fence needs to be removed; remote access; contact AF for more info.

Building

Indiana

Grissom ARB, IN Property Number: 18201510011
3862 West County Road 800 South
Peru IN 46970
Status: Excess
Comments: 1.186 acres; held the previous control tower.

Bldg. 98 Comm Facility Property Number: 18201510020
2121 West Lightning Ave./Grissom ARB
Peru IN 46970
Status: Excess
Comments: 24+ yrs. old; vacant 36 mas; 864 sq. ft.; metal; floor needs repaired; prior approval to gain access required; contact AF for more info.

2 Buildings Property Number: 18201510041
Grissom AFB
Peru IN 46970
Location: 151 (3,084 sq. ft.); 100 (16,007 sq. ft.)
Status: Excess
Comments: 59+ yrs.-old; 36+ months vacant; masonry structure; storage; floor needs repair; prior approval to gain access is required; contact Air Force for more information.

Louisiana

Building 117 Property Number: 18201330046
Naval Air Station Joint Reserve Base
New Orleans LA 70143
Status: Excess
Comments: 3,975 sf.; storage; deteriorated; secured area; background check/pass required; contact Air Force for more info. re.; accessibility reqs.

Building 019 Property Number: 18201330050
Naval Air Station joint Reserve Base
New Orleans LA 70143
Status: Excess
Comments: 3,038 sq. ft.; storage; deteriorated; secured area; official ID required; contact Air Force for more information.

Building

Michigan

3 Buildings Property Number: 18201220020
Selfridge ANGB
Selfridge MI 48045
Location: 326, 780, 710
Status: Unutilized
Comments: off-site removal only; sf varies; office/school/barracks; fair conditions; need repairs.

Alpena Co Reg Apt Property Number: 18201430028
5884 A Street; Bulling 4012
Alpena MI 49707–8125
Status: Unutilized
Comments: off-site removal only; no future agency need; 2,000 sq. ft.; office/storage; deteriorated secured area; contact Air Force for more information.

MSBL 701 Property Number: 18201530001
701 Clubhouse Rd.
Joint Base MDL MI 08733
Status: Unutilized
Comments: off-site removal; 40+ yrs. old; 460 sq. ft.; storage; 12+ mos. Vacant; deteriorated; no future agency need; contact AF for more information.

Mississippi

Building 112 Property Number: 18201330041
CRTC Gulfport
Gulfport MS 39507
Status: Excess
Comments: 90 sf.; ATM bldg.; good conditions; contact Air Force for more info.

Land

Nebraska

P–4 GHUA Property Number: 18201540031
1419 Hwy 19
Sidney NE 82081
Status: Unutilized
Comments: 1 acre; launch facility in ground; contact Air Force for more information.

Building

Nevada

Facility 81 + 82 Property Number: 18201510019
1338 + 1340 3rd St.
Creech AFB NV 89018
Location: Facility 81 (1,440 sq. ft.); Facility 82 (1,440 sq. ft.)
Status: Underutilized
Comments: 32+ yrs. old; structures wood + metal; 83 squadron & office; located in a secure area; prior approval to gain access is required; contact AF for more info.

2 Buildings Property Number: 18201510027
Nellis AFB
Nellis AFB NV 89191
Location: #336 (13,093 sq. ft.); 1739 (1,800 sq. ft.)
Status: Unutilized
Comments: 45 Yrs. old; Brick; residential; prior approval needed to gain access; no future agency need; contact AF for more info.

Facility 2 Property Number: 18201520008
4455 Grissom
Nellis AFB NV 89156
Status: Unutilized
Comments: 33+ yrs. old; 10,044 sq. ft.; office; asbestos; escort or base pass required for entry; contact AF for more information.

FAM HSG RELO 600–603 Property Number: 18201520027
Gregg Circle on Parcel
008–261–19
Tonopah NV 89049
Status: Unutilized
Comments: off-site removal only; no future agency need; 4 mobile homes; residential; 1,344 sq. ft. each; major repairs needed; contamination; contact AF for more information.

New Hampshire

3 Buildings Property Number: 18201510015
373 Shattuck Way
Newington NH 03801
Location: Bldg. #1—(3,000 sq. ft.); 5(540 sq. ft.); 3000 (540 sq. ft.)
Status: Excess
Comments: off-site removal; 30+ yrs. old; 25 yrs. vacant; power station; office; concrete maybe difficult to move; roof gone on one side; contact AF for more info.

New Jersey

5 Buildings Property Number: 18201510029
West Arnold Ave.
Joint Base MDL NJ 08640
Location: 2104 (200 sq. ft.); 2105 (288 sq. ft.); 2106 (520 sq. ft.); 2107 (699 sq. ft.); 2108 (657 sq. ft.)
Status: Unutilized
Comments: off-site removal only; 58+ yrs. old; poor conditions; fuel stand; no future agency need; contact Air Force for more information

3 Buildings Property Number: 18201520015
Joint Base McGuire-Dix Lakehurst
Joint Base MDL NJ 08640
Location: Building #1506 (1,994 sq. ft.) 3606 (538 sq. ft.) #1506 (1,994 sq. ft.)
Status: Unutilized
Comments: off-site removal; 58–60+ yrs. old; 2+ mos. vacant; communications transmitter; water support bldg.; poor conditions; contact AF for more information.

Oklahoma

Building 1100 Property Number: 18201320024
7492 Patrol Road
Tinker AFB OK 73145
Status: Underutilized
Comments: off-site removal only; no future AF need; 5,471 sf.; maint. facility; fair/poor condition; controlled AF installation, contact AF for more info.

Building 1111 Property Number: 18201330028
Tinker AFB
Tinker OK 73145
Status: Unutilized
Comments: off-site removal only; no future agency need; 231 sf.; utility bldg.; generally good conditions; secured area; contact Air Force for more info.

Building 183 Property Number: 18201340001
Altus AFB AGGN
Altus OK 73523
Status: Unutilized
Comments: 167 sq. ft.; no bathroom; secured area; escort required each time to access property; asbestos; contact Air Force for more info.

South Carolina

2 Building Property Number: 18201320054
Shaw AFB
Sumter SC 29152
Location: 1036, 1826
Status: Unutilized
Comments: off-site removal only; no AF future need; sf. varies; poor conditions; secured area, contact AF for more info.

4 Buildings Property Number: 18201320055
Shaw AFB
Sumter SC 29152
Location: 1027, 1028, 2451, 1034
Status: Underutilized

Comments: off-site removal only; no AF future need; sf. varies; poor conditions; secured area; contact AF for more info.

Building 1036 Property Number: 18201320086
311 Avocet Street, Street, Shaw AFB
Sumter SC 29152
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,694 sf.; open storage for auto hobby shop; repairs needed; secured area; contact AF for more info.

Building 1826 Property Number: 18201320087
100 Shaw Dr., Shaw AFB
Sumter SC 29152
Status: Unutilized
Comments: off-site removal only; no future agency need; 984 sf.; wash rack; repairs needed; secured area; contact AF for more info.

810 DKGV Property Number: 18201510017
307 E Patrol Rd.
Goose Creek SC 29445
Status: Unutilized
Comments: off-site removal only; 40+ yrs. old; 496 sq. ft.; metal structure; shelter; contact AF for more info.; no future agency need.

Land

53 Acre Parcel W Side of N Rhe Property Number: 18201520020
JB Charleston SC 29445
Status: Unutilized
Comments: 53 acres; contact AF for more information.

Building

South Dakota

9201 Property Number: 18201440033
Ellsworth AFB
9201 Lincoln
Ellsworth SD 57706
Status: Underutilized
Comments: 3,619 sq. ft.; security forces training facility; 1+ yr. vacant; very poor conditions; high noise levels; contact Air Force for more information.

Land

Texas

Fee Purchase Land—99201 Property Number: 18201540009
Eldorado AFS
Eldorado TX 76936
Status: Excess
Comments: 119 acres; 192+ months vacant; contact Air Force for more information

Building

Virginia

2 Buildings Property Number: 18201530006
JBLE (Ft. Eustis)
Ft. Eustis VA 23604
Location: 1609 (870 sq. ft.; storage); 1606 (1,076 sq. ft.; storage)
Status: Unutilized
Comments: very poor conditions; visitor's must check-in at the Ft. Eustis visitor's gate; contact AF for more details on a specific property.

2 Buildings Property Number: 18201540029
Lee Blvd.
Fort Eustis VA 23604
Location: 822 (205 sq. ft.); 876 (651 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/condition; very poor conditions; contact Air Force for more information.

2 Buildings Property Number: 18201540030
Mulberry Island Rd.
Fort Eustis VA 23604
Location: 3511 (437 sq. ft.); 3913 (767 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/condition; very poor conditions; contact Air Force for more information.

Land

Wyoming

11 Plots of Land Property Number: 18201540013
Diamond/Iron Mountain Rd.
Chugwater WY 82210
Location: Q–10 GHYT; Q–9 GHYS; Q–11 GHYU; Q–8 GHYR; Q–2 GHYK; Q–3 GHYL; Q–4 GHYM; Q–5 GHYN; P–11 GHYH; P–10 GHYG; P–9 GHYF
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land

9 Plots of Land Property Number: 18201540014
Air Force
Lagrange/Chugwater WY 82221
Location: R–02 GHYW; R–04 GHWX; R–05 GHYZ; R–06 GHZA; R–07 GHZA; R–08 GHZC; R–09 GHZD; R–10 GHZE; R–11 GHZF
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540015
Hillsdale
Hillsdale WY 82060
Location: P–5 GHYB; P–7 GHYD
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

Q–7 GHYQ Property Number: 18201540016
1603 Rd. 237
Carpenter WY 82054
Status: Unutilized
Comments: 1 acre; contact Air Force for more information.

3 Plots of Land Property Number: 18201540017
Meriden
Meriden WY 82081
Location: P–6 GHYC; P–Z GHXY; P–3 GHYZ
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

Q–6 GHYP and P–8 GHYE Property Number: 18201540018
1381 Rd. 228
Cheyenne WY 82002
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540019
Air Force
Huntley WY 82218
Location: S–4 GHZK; S–5 GHZL
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

S–2 GHZG Property Number: 18201540020
6291 Rd. 47
Torrington WY 82240
Status: Unutilized
Comments: 1 acre; contact Air Force for more information.

3 Plots of Land Property Number: 18201540021
Air Force
Hawk Springs WY 82217
Location: S–8 GHZP; S–7 GHZN; S–6 GHZM
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540022
Deer Creek Dr.
Wheatland WY 82201
Location: T–2 GHZU; T–3 GHZV
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540023
Dickerson Rd.
Bordeaux WY 82201
Location: T–4 GHZW; T–9 GJAB
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

T–5 GHZX and T–6 GHZY Property Number: 18201540024
387 Slater Rd.
Slater WY 82201
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540025
Slater Rd.
Slater WY 82201
Location: T–7 GHZZ; T–8 GJAA
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540026
Snook/Grayrocks Rd.
Wheatland WY 82201
Location: T–10 GJAC; T–11 GJAD
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540027
State Hwy
Veteran WY 82243
Location: S–10 GHZR; S–11 GHZS
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

2 Plots of Land Property Number: 18201540028
ST STE Hwy
Yoder WY 82244
Location: S–3 GHZJ; S–9 GHEQ
Status: Unutilized
Comments: 1 acre each; contact Air Force for more information on a specific plot of land.

ARMY

Building

Alabama

C1301 Property Number: 21201220017
Ft. McClellan
Ft. McClellan AL 36205
Status: Excess
Comments: off-site removal only; 2,232 sf.; barracks; extensive repairs needed; secured area; need prior approval to access property.

11 Buildings Property Number: 21201340002
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 4469, 7328, 7352A, 7352B, 7353A, 7635, 7668A, 7688A, 7902, 7908 (Please Note: 7352A, 7352B, and 7688A are SUITABLE/UNAVAILABLE)
Status: Unutilized
Comments: off-site removal only; no future agency need; sq. ft. varies; major repairs needed; secured area; contact Army for more info. on a specific property & accessibility reqs.

4 Buildings Property Number: 21201410026
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 3535 (150 sq. ft.); 3538 (48 sq. ft.); 4637 (2,095 sq. ft.); 7330 (75 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; repairs needed; secured area; contact Army for more information.

5 Buildings Property Number: 21201420016
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 7742A; 7742B; 7740A; 7740B; 7740
Status: Unutilized
Comments: Off-site removal only; must be dismantled; no future agency need; extensive repairs required; contact Army for more info. on a specific property & accessibility/removal reqs.

4811 Property Number: 21201430024
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 4811
Status: Unutilized
Comments: off-site removal only; no future agency need; 221 sq. ft.; Flammable/ explosive storage facility; 12+ months vacant; deteriorated; secured area; contact Army for more nformation.

6 Buildings Property Number: 21201510040
Redstone Arsenal
Madison AL 35898
Location: 3757 (800 sq. ft.); 3759 (39 sq. ft.); 3762 (288 sq. ft.); 6209 (130 sq. ft.); 6210 (130 sq. ft.); 7859 (522 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; prior approval to gain access is required; for more info. contact Army.

2 Buildings Property Number: 21201530058
Redstone Arsenal
Redstone Arsenal AL 35898
Location: Building 7359 (4,547 sq. ft.); 7369 (7,288 sq. ft.)
Status: Unutilized
Comments: off-site removal; 48–70+ yrs. old; rocket plants; vacant 4 mos.; major reno. needed; contaminates; asbestos; no future agency need; prior approval needed to gain access; contact Army for more infor.

Building 3540 Property Number: 21201530092
Redstone Arsenal
Redstone Arsenal AL 35898
Status: Unutilized
Comments: off-site removal only; no future agency need;150 sq. ft.; range support; removal may be difficult due to type (brick); major renov.; LBPs; endangered species- var. bat species; contact Army for more info.

2 Buildings Property Number: 21201540030
Fort Rucker
Fort Rucker AL 36362
Location: 25107- RPUID: 576526 (2,721 SQ. FT.; Airfield Fire and Rescue Facility); 30305-RPUID: 250776 (4,422 SQ. FT.; Ready Bldg.)
Status: Underutilized
Comments: off-site removal only; no future agency need; removal extremely difficult due to type/size; fair conditions; contact Army for more information on a specific property listed above.

60110 Property Number: 21201540032
SHELL AF, FORT RUCKER
Ft. Rucker AL 36330
Status: Underutilized
Comments: off-site removal only; no future agency need; extremely difficult to remove due to type/size; 8,319 SQ. FT.; ADMIN GEN PURP; 50% is occupied; poor conditions; contact Army for more information.

Alaska

Bldg. 00001 Property Number: 21200710051
Holy Cross Armory
High Cross AK 99602
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only.

Building 00001 Property Number: 21201320038
9679 Tuluksak Rd.
Toksook AK 99679
Status: Excess
Comments: 1,200 sf.; armory; 60 months vacant; poor conditions.

Building 00001 Property Number: 21201330030
Lot 7 Block 11 US Survey 5069
Noorvik AK 99763
Status: Excess
Comments: 1,200 sf. armory; 60+months vacant; poor conditions; contact Army for more info.

Building 00001 Property Number: 21201330031
P.O. Box 22
Gambell AK 99742
Status: Excess
Comments: 1,208 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 0001 Property Number: 21201330032
Kivalina Armory
Kivalina AK 99750
Status: Excess
Comments: 1,200 sf. armory; 600+months vacant; poor conditions; contact Army for more info.

Akiachak 00001 Property Number: 21201330033
500 Philips St.
Akiachak AK 99551
Status: Excess
Comments: 1,200 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Arizona

Building 90890 Property Number: 21201440051
Fort Huachuca
Fort Huachuca AZ 85613
Status: Unutilized
Comments: off-site removal only; no future agency need; 40 sq. ft.; 80+ months vacant; repairs needed; contact Army for more information.

7 Buildings Property Number: 21201510025
Papago Park Military Reservation
Phoenix AZ 85008
Location: M5358 (1500 sq. ft.); M5356 (1,500 sq. ft.) M5354 (1,500 sq. ft.); M5352 (1,500 sq. ft.); M5218 (1,097 sq. ft.); M5331 (2,460 sq. ft.); M5502 (5,856 sq. ft.)
Status: Excess
Comments: Fair condition prior approve to gain access is required, for more information contact Army about a specific property.

2 Building Property Number: 21201520007
5636 E. McDowell Road
Phoenix AZ 85008
Location: Building M5502 (5,856 sq. ft.) & M5331 (2,460 sq. ft.)
Status: Excess
Comments: 45+ & 62 +yrs. old for buildings respectively above; administration; restricted access; escort required; contact Army for more information.

California

Bldgs. 18026, 18028 Property Number: 21200130081
Camp Roberts
Monterey CA 93451–5000
Status: Excess
Comments: 2024 sq. ft. sq. ft., concrete, poor condition, off-site use only.

1201T Property Number: 21201310060
Tower Rd.
Dubin CA 94568
Status: Unutilized
Comments: off-site removal only; 30 sf.; control tower; poor conditions; restricted area; transferee must obtain real estate doc. to access/remove; contact Army for more info.

1201S & 1205S Property Number: 21201310062
Tower Rd.
Dublin CA 94568
Location: previously reported under 21201010006
Status: Unutilized
Comments: REDETERMINATION: off-site removal only; 396 & 252 sf. repetitively; storage; poor conditions; transferee will need to obtain real estate doc. to access/ remove property; contact Army for more info.

2 Building Property Number: 21201330002
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 1108, 1109
Status: Underutilized

Comments: off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army for info. on a specific property & accessibility removal reason.

7 Building Property Number: 21201330003
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 200, 00974, 1080, 1085, 1100, 1101, 1176
Status: Unutilized
Comments: sf varies; no future agency need; poor/deteriorated conditions; secured area; escort required; contact Army for more info. on a specific property & accessibility reqs./removal options.

Building 4230 Property Number: 21201330007
Ord Military Community
Seaside CA 93955
Location: 4230
Status: Unutilized
Comments: 15,908 sf.; theater; vacant since 2000; 43 yes. old; mold; lead-based paint; asbestos; contact Army for more info.

Building 4230 Property Number: 21201330010
Ord Military Community
Seaside CA 93955
Location: 4230
Status: Unutilized
Comments: 15,908 sf.; theater; vacant since 2000; 43 yes. old; mold; lead-based paint; asbestos; contact Army for more info.

11 Building Property Number: 21201330018
Fort Hunter Liggett
FF Hunter Liggett CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

22 Buildings Property Number: 21201330019
Hwy. 101, Bldg. 109
Camp Roberts CA 93451
Location: 00902, 00936, 01019, 06079, 06080, 06125, 06320, 14212, 14308, 14801, 25012, 25013, 27108, 27110, 27126, RB001, RB003, RB004, RB005, RB006, RB007, RB043
Status: Excess
Comments: CORRECTION: Bldg. 14801 incorrectly published on 08/30/2013; off-site removal only; 6+ months vacant; poor conditions; contamination; secured area; contact Army for info.

11 Building Property Number: 21201330023
Fort Hunter Liggett
Fort Hunger Liggett CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

23 Buildings Property Number: 21201330025
Hwy 101, Bldg. 109
Camp Robert CA 93451
Location: T0805, T0831, T0834, T0874, T0876, T0917, T0920, T0922, T0923, T0925, T0933, T0934, T0935, T0955, T0956, T0955, T0956, T0966, T0967, T0992, T6005, T6029, T6406, T7025, T7037
Status: Excess
Comments: off-site removal only; sf varies; 6t months vacant; poor conditions; contamination; secured area; contact Army for more info. on a specific property & accessibility removal reqs.

11 Building Property Number: 21201330026
Fort Hunter Liggett
Fort Hunter Ligget CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

7 Buildings Property Number: 21201330067
Sierra Army Depot
Herlong CA 96113
Location: 00478, 00548, 00681, 00682, 00683, 00684, and 00685
Status: Unutilized
Comments: Sf. varies, 36–204+ months vacant; fair to deteriorated; secured area; extensive background check required; contact Army for info. on a specific property & accessibility reqs.

2 Buildings Property Number: 21201410024
Camp Roberts MTC
Camp Roberts CA 93451
Location: 14102 (864 sq. ft.); 14801 (200 sq. ft.)
Status: Excess
Comments: off-site removal only; 72+ yrs. old; secured area; contact Army for accessibility/removal requirements.

4 Buildings Property Number: 21201420004
Fort Hunter Liggett
711 ASP Road
Fort Hunter Liggett CA 93928
Location: 711; 710; 0408A; 719
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; must obtain access documentation; contact Army for information on a specific property and accessibility/removal request.

Bldg. 53 Property Number: 21201430003
Navy Lodge on RT Jones Rd.
Mountain View CA
Status: Excess
Comments: off-site removal only; 960 sq. ft.; storage; poor conditions; contact Army for more information.

00294 Property Number: 21201430018
Los Alamitos Joint Forces Training Base (JFTB
Los Alamitos CA 90720–5002
Location: 00294
Status: Underutilized
Comments: off-site removal only; no future agency need; 980 sq. ft.; storage/general purpose; very poor condition; secured area; contact Army for more information.

Building 37 Property Number: 21201510007
Defense Distribution
San Joaquin CA 95304
Status: Excess
Comments: off-site removal only; 200 sq. ft.; shipping office; age: 2013; fair/good conditions; asbestos/lead; contact Army for more information.

Camp Roberts MTC (H) Bldg. Property Number: 21201510028
T0864
Hwy 101; Bldg. 109
Camp Roberts CA 93451–5000
Status: Unutilized
Comments: off-site removal; 73+ yrs. old; 400 sq. ft. storage; residential; fair to poor condition; vacant 72 months; contact Army for more info.

3 Buildings Property Number: 21201530048
Park Reserve Forces Training Area
Dubin CA 94568
Location: Building: 973 RPUID: 376805 (1,933 sq. ft.); 1194 RPUID: 377058 (1,020 sq. ft.); 1195 RPUID: 377059 (1,020 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; 61/71+ yrs. old; Vacant Storage; recreation center; poor condition; contact Army for more info. on a specific property accessibility/removal requirements.

6 Buildings Property Number: 21201530049
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Location: Building: 0100B (124 sq. ft.); 124 (2,001 sq. ft.); 149 (1,196 sq. ft.); 283 (4,225 sq. ft.) 393 (58 sq. ft.); 394 (58 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; 35/86+ yrs. old; usage varies; contact Army for more info. on a specific property; access/removal requirements.

Building 0132A Property Number: 21201530050
Fort Hunter Liggett
For Hunter Liggett CA 93928
Status: Underutilized
Comments: off-site removal; no future agency need; 64+ yrs. old; 943 sq. ft.; residential; poor condition; contact Army for more information and accessibility/removal requirements.

Colorado

Building 00209 Property Number: 21201520018
4809 Tevis Street
Fort Carson CO 80913
Status: Unutilized
Comments: off-site removal; 49+ yrs. old; 400 sq. ft.; housing; vacant 3 mos.; repairs required; asbestos; no future agency need; contact Army for more information.

Building 00220 Property Number: 21201520033
4860 Tevis Street
Fort Carson CO 80913
Status: Excess
Comments: off-site removal only; 73+ yrs. old; 690 sq. ft.; Eng./housing; repairs required; concrete; may be difficult to move; asbestos; no future agency need; contact Army for more information.

Georgia

Building 904 Property Number: 21201310004
2022 Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess

Comments: off-site removal only; 9,993 sf.; museum; poor conditions; asbestos & lead-based paint; w/in secured area; Gov't escort required to access/remove property.

Building 862 Property Number: 21201310010
259 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 826 sf.; Battery Shop; poor conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 853 Property Number: 21201310011
140 Barren Loop Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 4,100 sf.; Admin. 3 mons. vacant; fair conditions; w/in secured area; contact Army for accessibility/removal reqs.

Building 866 Property Number: 21201310012
395 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 2,100 sf.; Admin.; fair conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 9597 Property Number: 21201310013
Bultman Ave.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 324 sf.; storage; 6 mons. vacant; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 8056 Property Number: 21201310015
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 3,790 sf.; navigation bldg.; 10 mons. vacant; fair conditions; asbestos; w/in secured area; Gov't escort only to access/remove property.

Buildings 7736 & 7740 Property Number: 21201310016
Chip Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

3 Buildings Property Number: 21201310017
McFarland Ave.
Ft. Stewart GA 31314
Location: 1710, 1711, 1712
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1303 & 1304 Property Number: 21201310018
Warrior Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1155 & 1156 Property Number: 21201310019
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1139 & 1151 Property Number: 21201310020
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1104 Property Number: 21201310022
Frank Cochran Dr.
Hinesville GA 31314
Status: Excess
Comments: off-site removal only; 240 sf.; storage; poor conditions; w/in secured area; Gov't escort required to access/remove property.

Building 1105 Property Number: 21201310023
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 7,132 sf.; Maint. Facility; poor conditions; asbestos & lead; w/in secured area; Gov't escort required to access/remove property.

Building 1130 Property Number: 21201310024
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 322 sf.; storage; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1132 Property Number: 21201310025
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 182 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1133 Property Number: 21201310026
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 501 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building OT022 Property Number: 21201330005
46 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: No future agency need; Off-site removal only; 960 sf.; classroom; 120 months; dilapidated; contamination; closed post; contact Army for accessibility/removal requirements.

Building OT007 Property Number: 21201330006
31 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: off-site removal only; no future agency need; 960 sf.; classroom; 120t months; dilapidated; contamination; closed post; contact Army for accessibility/removal reqs.

3 Buildings Property Number: 21201330036
Veterans Pkwy.
Fort Stewart GA 31314
Location: 1101, 1108, 1129
Status: Excess
Comments: off-site removal only; poor conditions; contamination; secured area; contact Army for info. on a specific property; accessibility removal reqs.

Building 00TR4 Property Number: 21201330045
43 Pistol Range Road
Whitfield GA 30755
Status: Excess
Comments: off-site removal only; 2,560 sf.; dining facility; 78 yrs. old; poor conditions; contact Army for more info.

Building 1157 Property Number: 21201410033
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 5,809 sq. ft.; poor conditions; secured area; gov't escort required; contact Army for more info.

Building 7097 Property Number: 21201440007
Fort Stewart
Ft. Stewart GA 31314
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 9,520 sq. ft.; child development center; 6+ months vacant; poor conditions; contact Army for more information.

100 Property Number: 21201440008
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; relocation extremely difficult due to size; 13,331 sq. ft.; classroom; poor conditions; contact Army for more information.

1020 Property Number: 21201440009
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; 39,653 sq.; storage; 1+ month vacant; contact Army for more information.

9002 Property Number: 21201440010
Hunter Army Airfield
Hunter Army Airfield GA 31406
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to type; 221 sq. ft.; 12+ months vacant; poor conditions; asbestos; contact Army for more information.

10 Buildings Property Number: 21201520011
Fort Benning
Fort Benning GA 31905
Location: 00035 (890 sq. ft.); 00036 (890 sq. ft.); 00235 (4,390 sq. ft.); 08001 (288 sq. ft.); 08007 (288 sq. ft.); 08012 (288 sq. ft.); 08014 (288 sq. ft.); 08034 (192 sq. ft.); 08582 (192 sq. ft.); 08597 (192 sq. ft.)
Status: Underutilized

Comments: off-site removal; 10–94 yrs. old for buildings respectively above; toilet/shower; laundry; administrative; poor condition; no future agency need; contact Army for more information.

9 Buildings Property Number: 21201520012
Fort Benning
Fort Bebbing GA 31905
Location: 08821 (192 sq. ft.), 8781 (1,007 sq. ft.), 08730 (800 sq. ft.), 08729 (192 sq. ft.), 08721 (384 sq. ft.), 08681 (192 sq. ft.), 08637 (384 sq. ft.), 08600 (192 sq. ft.), 08618 (192 sq. ft.)
Status: Underutilized
Comments: off-site removal; 10–50 yrs. old for buildings respectively above; poor condition; toilet/shower, range; no future agency need; contact Army for more information.

2 Buildings Property Number: 21201520028
Fort Benning
Fort Benning GA 31905
Location: Buildings 04969 (8,416 sq. ft.), 04960 (3,335 sq. ft.)
Status: Unutilized
Comments: off-site removal; 34+ & 48+ yrs. old; vehicle MAINT.; poor conditions; contaminants; restricted access; no future agency need; contact Army for more information.

Building 14 Property Number: 21201540052
Camp Frank D. Merrill
Fort Benning GA 31905
Status: Unutilized
Comments: off-site removal only; 120 sq. ft.; 51+ yrs. old; veh. fuel mogas; poor conditions; contact Army for information.

Building 08638–RPUID 283107 Property Number: 21201540053
Mortar Training Area
off Wildcat Road
Fort Benning GA 31905
Status: Unutilized
Comments: off-site removal only; 192 sq. ft.; 10+ yrs.-old; sep toil/shower; poor conditions; contact Army for more information.

Building 08728 Property Number: 21201540054
3279 10th Armored Division Road
Fort Benning GA
Status: Unutilized
Comments: off-site removal only; 192 sq. ft.; 9+ yrs.-old; sep toil/shower; poor conditions; contact Army for more information.

Hawaii

P–88 Property Number: 21199030324
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comments: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

3377Z Property Number: 21201210054
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; 196 sf.; current use: transformer bldg.; poor conditions—needs repairs.

Bldg. 0300B Property Number: 21201210083
308 Paalaa Uka Pupukea
Wahiawa Co: Honolulu HI 96786
Status: Unutilized
Comments: off-site removal only; 114 sf.; current use: valve house for water tank; fair conditions.

12 Bldgs. Property Number: 21201220009
Schofield Barracks
Wahiawa HI
Location: 2509, 2510, 2511, 2512, 2513, 2514, 2516, 2517, 3030, 3031, 3032, 3035
Status: Unutilized
Comments: off-site removal only; sf. varies; usage varies; storage; good conditions.

A0300 Property Number: 21201230009
308 Paalaa Uka Pupukea Rd.
Helemano
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; 17.25 x 21ft.; water storage.

Buildings 1421 & 1422 Property Number: 21201310046
510 CW2 Latchum Rd.
Wahiawa HI 97686
Status: Underutilized
Comments: off-site removal only; sf. varies; office & toilet; fair conditions; military reservation.

Buildings 3363, 3366, & 3371 Property Number: 21201310047
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; sf. varies; abandoned; 230 mons. vacant; transformer bldgs.

Building A0750 Property Number: 21201330038
613 Ayers Ave. (Schofield Barracks)
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; no future agency need; 512 sf.; storage; 46 yrs. old; poor conditions; contact Army for more info.

00038 Property Number: 21201410007
Pohakuloa Training Area
Hilo HI 96720
Status: Unutilized
Comments: off-site removal only; 102 sq. ft.; storage; 49+ yrs.-old; poor conditions; contact Army for more information.

3 Buildings Property Number: 21201530046
Joint Base Pearl Harbor Hickam
Joint Base Pearl Harbor HI 96860
Location: Building: 2266 (1,536 sq. ft.); 2267 (1,536 sq. ft.); 2268 (2,190 sq. ft.)
Status: Excess
Comments: off-site removal only; 32+ yrs. old; Child Development Centers; 24 mos. Vacant; poor condition; relocation may not be feasible due to deteriorated condition; contact Army for more information.

Idaho

R1A11 Property Number: 21201320005
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf., dilapidated, repairs a must, temp. shelter, 9 months vacant, has hanta virus presence.

R1A13 Property Number: 21201320015
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repairs a must.

R1A10 Property Number: 21201320041
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; dilapidated; repairs a must; 9 months vacant; Hanta virus.

R1A12 Property Number: 21201320042
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; repairs a must; Hanta virus.

R1A15 Property Number: 21201320043
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repair a must.

Iowa

Y11Q0 Property Number: 21201330060
Camp Dodge
Johnston IA 50131
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+ months vacant; deteriorated; secured area; escort required; contact Army for accessibility requirements.

2 Buildings Property Number: 21201330064
Camp Dodge
Johnston IA 50131
Location: Y1200 & TC030
Status: Unutilized
Comments: 1,686 & 1,026 sf. respectively; garage; deteriorated; secured area; escort required; contact Army for accessibility requirements.

Kansas

Building 9109 Property Number: 21201310051
Mallon Rd.
Ft. Riley KS 66442
Status: Unutilized
Comments: off-site removal only; 128 sf.; latrine; deteriorating conditions; located on controlled area; contact Army for more info.

Building 00620 Property Number: 21201320014
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 12,640 sf.; lodging; deteriorating; asbestos.

Building 09098 Property Number: 21201320016
Vinton School Rd.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 120 sf.; guard shack; fair/moderate conditions.

Building 07856 Property Number: 21201320017
Drum St.
Ft. Riley KS 66442

Status: Excess
Comments: off-site removal only; 13,493 sf.; dining facility; deteriorating; asbestos.

Building 07636 Property Number: 21201320018
Normandy Dr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 9,850 sf.; deteriorating; asbestos.

Building 05309 Property Number: 21201320019
Ewell St.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 23,784 sf.; lodging; deteriorating; asbestos.

Building 00918 Property Number: 21201320020
Caisson Hill Rd.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 3,536 sf.; admin. general purpose; deteriorating; possible contamination; secured area; however, prior approval to access is needed; contact Army for more info.

Building 00621 Property Number: 21201320021
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 12,640 sf.; lodging; deteriorating; asbestos.

Building 7610 Property Number: 21201410049
Fort Riley
Fort Riley KS 66442
Status: Excess
Comments: off-site removal only; may not be feasible to relocate due to sq. ft./type of structure; 41,892 sq. ft. barracks; contact Army for more information.

8 Buildings Property Number: 21201420002
Fort Riley
610 Warrior Rd.
Fort Riley KS 66442
Location: 610, 7610, 7614,7616, 7842, 7846, 7850, 8063
Status: Excess
Comments: off-site removal only; major repairs needed, mold and asbestos; secured area; contact Army for information on a specific property and accessibility/removal request.

502 Property Number: 21201430009
Fort Riley
Fort Riley KS 66442
Location: 502
Status: Excess
Comments: off-site removal only; 316 sq. ft.; office; structure type: Police Station; 55+ years old; fair condition; contact Army for more information.

Kentucky

Fort Knox Property Number: 21201110011
Eisenhower Avenue
Fort Knox KY 40121
Location: Bldgs.: 06559, 06571, 06575, 06583, 06584, 06585, 06586
Status: Unutilized
Comments: off-site removal only; multiple bldgs. w/various sq. footage (2,578–8,440 sq. ft.), current use varies (classroom—dental clinic), lead base paint, asbestos & mold identified.

Fort Knox, 10 Bldgs. Property Number: 21201110012
Bacher Street
2nd Dragoons Rd & Abel St
Fort Knox KY 40121
Location: Bldgs.: 06547, 06548, 06549, 06550, 06551, 06552, 06553, 06554, 06557, 06558
Status: Unutilized
Comments: off-site removal only, multiple bldgs. w/various sq. footage (8,527–41,631 sq. ft.) lead base paint, asbestos & mold identified in all bldgs. Current use varies.

Fort Knox, 10 Bldgs. Property Number: 21201110015
Eisenhower Ave
Fort Knox KY 40121
Location: Bldgs.: 06535, 06536, 06537, 06539, 06540, 06541, 06542, 06544, 06545, 06546
Status: Unutilized
Comments: off-site removal only, multiple bldgs. w/various sq. ft. (2,510–78,436 sq. ft.) lead base paint, asbestos & mold has been identified in all bldgs. Current use varies.

11 Bldgs. Property Number: 21201140002
Ft. Knox
Ft. Knox KY 40121
Location: 02422, 02423, 02424, 02425, 02956, 02960, 00173, 02197, 02200, 00097, 00098
Status: Unutilized
Comments: off-site removal only; possible lead based paint, asbestos, and mold in all bldgs.; sq. ft. varies; current use: office.

5 Bldgs. Property Number: 21201140003
Ft. Knox
Ft. Knox KY 40121
Location: 02317, 02323, 02324, 02349, 02421
Status: Unutilized
Comments: off-site removal only; possible lead base paint, asbestos, and mold; sq. ft. varies; current use: office.

10 Bldgs. Property Number: 21201140016
Ft. Knox
Ft. Knox KY 40121
Location: 120, 161, 166, 171, 101, 114, 115, 116, 117, 1196
Status: Unutilized
Comments: off-site removal only; sq. ft. varies; current use: office space to storage; possible asbestos and mold.

18 Bldgs. Property Number: 21201140032
Ft. Knox
Ft. Knox KY 40121
Location: 51, 52, 70, 73, 74, 76, 2961, 2963, 2964, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2979, 2316
Status: Unutilized
Comments: off-site removal only; possible asbestos, mold, and lead base paint; sq. ft. varies; current use: office.

Bldg. 2980 Property Number: 21201140078
Ft. Knox
Ft. Knox KY 40121
Status: Unutilized
Comments: off-site removal only; 6,900 sq. ft.; current use: office; possible asbestos and mold.

Bldg. 1197 Property Number: 21201140079
Ft. Knox
Ft. Knox KY 40121
Status: Unutilized
Comments: off-site removal only; 2,969 sq. ft.; current use: office; possible lead base paint, asbestos, and mold.

23 Bldgs. Property Number: 21201210034
Ft. Knox
Ft. Knox KY 40121
Location: 6097, 6098, 6099, 6113, 6114, 6115, 6116, 6118, 6120, 6121, 6123, 6124, 6614, 6615, 6616, 7107, 9209, 9215, 9231, 9254, 9256, 9361, 9619
Status: Unutilized
Comments: off-site removal only; sq. ft. varies, current use: varies; poor conditions-need repairs; lead, mold, and asbestos identified.

20 Bldgs. Property Number: 21201210035
Ft. Knox
Ft. Knox KY 40121
Location: 45, 46, 64, 75, 79, 107, 114, 155, 202, 205, 299, 1373, 1997, 2319, 2350, 3007, 6033, 6034, 6035, 6036
Status: Unutilized
Comments: off-site removal only; sq. ft. varies, current use: varies; poor conditions-need repairs; lead, mold, and asbestos identified.

5 Bldgs. Property Number: 21201210036
Ft. Knox
Ft. Knox KY 40121
Location: 6038, 6039, 6040, 6093, 6094
Status: Unutilized
Comments: off-site removal only; sq. ft. varies, current use: varies; poor conditions-need repairs; lead, mold, and asbestos identified.

22 Bldgs. Property Number: 21201220020
Ft. Knox
Ft. Knox KY 40121
Location: 79, 204, 1610, 1996, 2955, 2959, 2965, 2980, 2991, 6531, 6533, 6560, 6561, 6563, 6564, 6565, 6566, 6592, 6594, 9183, 9319, 9320
Status: Unutilized
Comments: off-site removal only; sf varies; usage varies; need repairs; lead and asbestos identified; need remediation.

15 Buildings Property Number: 21201230030
Ft. Knox
Ft. Knox KY 40121
Location: 2991, 3006, 6127, 7345, 7346, 9254, 9264, 9294, 9302, 9311, 9315, 9335, 9427, 9503, 9504
Status: Unutilized
Comments: use: maintenance; extremely poor conditions; contamination identified; contact Army for further details & accessibility requirements.

10 Buildings Property Number: 21201230031
Ft. Knox
Ft. Knox KY 40121
Location: 9505, 9506, 9507, 9508, 9509, 9617, 9675, 9681, 9706, 9707
Status: Unutilized
Comments: sf. varies; extremely poor conditions; contamination identified; contact Army for further details & accessibility requirements.

Building A7140 Property Number: 21201530102
Fort Campbell
Ft. Campbell KY 42223
Status: Underutilized
Comments: 414 sq. ft.; 56+ yrs.-old; fair conditions; registration required on daily

basis to access property; contact Army for more information.

Louisiana

B–8248 Property Number: 21201210069
Ft. Polk
Ft. Polk LA 71459
Status: Underutilized
Comments: 3,141 sf.; current use: Admin. Bldg.; poor conditions-need repairs.

B–8401 Property Number: 21201210070
Ft. Polk
Ft. Polk LA 71459
Status: Underutilized
Comments: 3,141 sf.; current use: Admin. Bldg.; poor conditions-need repairs.

21 Buildings Property Number: 21201230034
Polk
Ft. Polk LA 71459
Location: 9515, 9537, 9554, 9570, 9593, 9594, 9601, 9602, 9603, 9604, 9607, 9609, 9618, 9619, 9666, 9703, 9741, 9744, 9751, 9753, 9755
Status: Underutilized
Comments: off-site removal only; sf. varies; use: varies; poor conditions; contact Army for further details re: a specific property.

18 Buildings Property Number: 21201230035
Polk
Ft. Polk LA 71459
Location: 9764, 9765, 9773, 9793, 9794, 9797, 9803, 9812, 9818, 9830, 9836, 9837, 9840, 9854, 9913, 9914, 9917, 9920
Status: Underutilized
Comments: off-site removal only; sf. varies; use: varies; poor conditions; contact Army for further details re: a specific property.

7 Building Property Number: 21201330044
Fort Polk
Fort Polk LA 71459
Location: 00916, 03313, 03314, 03315, 3316, 3320, 3323
Status: Underutilized
Comments: off-site removal only; sf. varies; no future agency need; poor conditions; contact Army for more info. on a specific property & removal reqs.

13 Buildings Property Number: 21201330056
Fort Polk
Fort Polk LA 71459
Location: 3335, 3341, 3342, 3344, 3348, 4798, 7144, 7192, 7193, 7194, 7199, 08091, 8092
Status: Underutilized
Comments: off-site removal only; no future agency need; sf. varies; storage to picnic/rec. shelter; poor conditions; contact Army for more info. on a specific property and removal requirements.

7604B Property Number: 21201530038
Fort Polk
Fort Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; contact Army for more information.

7604C Property Number: 21201530039
Fort Polk
Fort Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; reloadable company building; contact Army for more information.

7308E Property Number: 21201530040
Fort Polk
Fort Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 5,396 sq. ft.; reloadable office; contact Army for more information.

7604D Property Number: 21201530045
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; reloadable office; contact Army for more information.

9 Buildings Property Number: 21201530073
Fort Polk
Ft. Polk LA 71459
Location: 00002 (190857; 4,070 sq. ft.); 00003 (292997; 97 sq. ft.); 02531 (191515; 4,830 sq. ft.); 02599 (191521; 159 sq. ft.); 04250 (191272; 240 sq. ft.); 07526 (299361; 480 sq. ft.); 09787 (293242; 608 sq. ft.); 09806 (188086; 2,834 sq. ft.); M0350 (188086)
Status: Underutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/size; poor conditions; contact Army for more details on a specific property.

Building 07043 Property Number: 21201530101
Fort Polk
Fort Polk LA 71459
Status: Underutilized
Comments: off-site removal only; 1,200 sq. ft.; maintenance building; poor conditions; contact Army for more information.

Maryland

Bldg. 06186 Property Number: 21201110026
Ft. Detrick
Fredrick MD 21702
Status: Unutilized
Comments: off-site removal only, 14,033 sq. ft., current use: communications ctr., bldg. not energy efficient but fair condition.

5 Buildings Property Number: 21201330008
Ft. George G. Meade
Ft. George MD 20755
Location: 4, 239, 700, 2790, 8608
Status: Unutilized
Comments: off-site removal only; no future agency need; sf. varies; fair to deteriorating conditions; secured area; contact Army re: info. on a specific property & accessibility/removal reqs.

Michigan

6 Buildings Property Number: 21201340026
Detroit Arsenal
Warren MI 48092
Location: WH001 (4,680 sq. ft.); WH002 (3,910 sq. ft.); WH003 (5,256 sq. ft.); WH004 (3,840 sq. ft.) WH005 (5,236 sq. ft.); WH006 (5,940 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property accessibility requires.

6 Buildings Property Number: 21201340027
Detroit Arsenal
Warren MI 48092
Location: WH013 (4,680 sq.); WH014 (5,236 sq.); WH015 (3,000 sq.); WH016 (3,840 sq.); WH017 (3,000 sq.); WH018 (5,940 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

6 Building Property Number: 21201340028
Detroit Arsenal
Warren MI 48092
Location: WH007 (3,840 sq. ft.); WH008 (5,940 sq. ft.); WH009 (5,236 sq. ft.); WH010 (4,680 sq. ft.); WH011 (5,236 sq. ft.); WH012 (5,236 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property and accessibility requires.

6 Buildings Property Number: 21201340029
Detroit Arsenal
Warren MI 48092
Location: WH019 (4,680 sq.); WH020 (5,940 sq.); WH021 (5,940 sq.); WH022 (4,680 sq.); WH023 (5,940 sq.); WH024 (1,760 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

4 Buildings Property Number: 21201340031
Detroit Arsenal
Warren MI 48092
Location: WH025 (1,760 sq.); WH026 (1,760 sq. ft.); WH027 (1,760 sq.); WH028 (400 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

Minnesota

18 Bldgs. Property Number: 21201210059
1245 Hwy 96 West
Arden Hills Army TRNG Site
Arden Hills MN 55112
Location: 12155, 12156, 12157, 01200, 01201, 01202, 01203, 01204, 01205, 01206, 04202, 11218, 11219, 11220, 11221, 11222, 11223, 04203
Status: Unutilized
Comments: off-site removal only; sf. varies; current use: storage; poor conditions-need repairs.

Missouri

Bldg. T1497 Property Number: 21199420441
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T2139 Property Number: 21199420446
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T2385 Property Number: 21199510115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473

Status: Excess
Comments: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. 2167 Property Number: 21199820179
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2192, 2196, 2198 Property Number: 21199820183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

12 Bldgs. Property Number: 21200410110
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249, 08251, 08255, 08257, 08261
Status: Unutilized
Comments: 7152 sq. ft. 6 plex housing quarters, potential contaminants, off-site use only.

6 Bldg. Property Number: 21200410111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07044, 07106, 07107, 08260, 08281, 08300
Status: Unutilized
Comments: 9520 sq. ft., 8 plex housing quarters, potential contaminants, off-site use only.

Bldgs. 08283, 08285 Property Number: 21200410113
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 2240 sq. ft., 2 plex housing quarters, potential contaminants, off-site use only.

15 Bldgs. Property Number: 21200410114
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–0827
Location: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290, 08296, 08301
Status: Unutilized
Comments: 4784 sq. ft., 4 plex housing quarters, potential contaminants, off-site use only.

Bldg. 09432 Property Number: 21200410115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 8724 sq. ft., 6-plex housing quarters, potential contaminants, off-site use only.

Bldgs. 5006 and 5013 Property Number: 21200430064
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 192 sq. ft., needs repair, most recent use—generator bldg., off-site use only.

Bldgs. 13210, 13710 Property Number: 21200430065
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only.

P0002 Property Number: 21201510006
88th Reginald Support Command
Cape Girardeau MO 63701
Status: Unutilized
Comments: off-site removal only; 96 sq. ft.; storage; no future agency need; 14+ mons. vacant; asbestos; contact Army for more information.

Montana

Bldg. 00405 Property Number: 21200130099
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 3467 sq. ft., most recent use—storage, security limitations.

Bldg. T0066 Property Number: 21200130100
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 528 sq. ft., needs rehab, presence of asbestos, security limitations.

New Jersey

4 Bldgs. Property Number: 21201220011
Picatinny Arsenal
Dover NJ 07806
Location: 1179, 1179A, 1179C, 1179D
Status: Unutilized
Comments: off-site removal only; sf varies; usage varies; need repairs; contamination; remediation required; secured area; need prior approval to access property; contact Army for more details.

4 Building Property Number: 21201240026
Route 15 North
Picatinny Arsenal NJ 07806
Location: 3701, 3702, 3706, 3709
Status: Unutilized
Comments: off-site removal only, sq. varies, moderate conditions, restricted area; contact Army for information on accessibility removal and specific details on a particular property.

Building 00063 Property Number: 21201310039
Picatinny Arsenal
Picatinny Arsenal NJ 07806
Status: Underutilized
Comments: off-site removal only; 44,000 sf.; storage; very poor conditions; w/in secured area; contact Army for accessibility/removal requirements.

Building 01186 Property Number: 21201310040
Pictinny Arsenal
Dover NJ 07806
Status: Unutilized
Comments: off-site removal only; 192 sf.; storage; very poor conditions; w/in restricted area; contact Army for info. on accessibility/removal requirements.

Building 03223 Property Number: 21201330046
Picatinny Arsenal
Dover NJ 07806–5000
Status: Unutilized
Comments: off-site removal only; no future agency need; 312 sf.; 102 yrs.-old; poor conditions; secured area; contact Army for more info.

New York

Bldg. 2218 Property Number: 21200510067
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services.

7 Bldgs. Property Number: 21200510068
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Location: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Status: Unutilized
Comments: sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services.

Bldg. 4802 Property Number: 21201010019
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 3300 sq. ft., most recent use—hdgts. facility, off-site use only.

Bldgs. 4813 Property Number: 21201010020
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 750 sq. ft., most recent use—wash rack, off-site use only.

Bldgs. 1240, 1255 Property Number: 21201010022
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: various sq. ft., most recent use—vehicle maint. facility, off-site use only.

6 Bldgs. Property Number: 21201010023
Fort Drum
Jefferson NY 13602
Location: 1248, 1250, 1276, 2361, 4816, 4817
Status: Unutilized
Comments: various sq. ft., most recent use—storage, off-site use only.

Bldgs. 02700 and 22630 Property Number: 21201210080
Fort Drum
Fort Drum NY 13602
Status: Underutilized
Comments: off-site removal only; sf. varies; current use: varies; need repairs.

Bldg. 1345 Property Number: 21201220030
Ft. Drum
Ft. Drum NY
Status: Underutilized
Comments: off-site removal only; 7,219 sf.; vehicle maint. shop.; extensive repairs needed; secured area; need prior approval to access property.

Building 191 Property Number: 21201230005
First Street West
Ft. Drum NY 13602
Status: Unutilized
Comments: off-site removal only; 5,922 sf.; use: Admin.; extensive structural damage; remediation required before occupying

bldg.; secured area; contact Army to schedule appt. to access property.

5 Buildings Property Number: 21201230006
Ft. Drum
Ft. Drum NY 13601
Location: 1454, 1456, 2443, 4890, 4893
Status: Unutilized
Comments: off-site removal only; sf. varies; use; varies; extensive repairs needed due to age; secured area; contact Army re: details on accessing property.

Building 1560 Property Number: 21201240024
Rte. 293
West Point NY 10996
Status: Unutilized
Comments: off-site removal only, 4544 sf., storage severely damage from hurricane Irene, restricted area, contact Army on information on accessibility/removal.

2 Buildings Property Number: 21201320034
Wheeler-Sack Army
Ft. Drum NY 13602
Location: Bldgs. 2908 & 2909 are each 11,809 sf.
Status: Unutilized
Comments: no future Army use; off-site removal only; poor conditions; secured area; contact Army re: accessibility/removal requirements.

3 Buildings Property Number: 21201330011
Ft. Drum
Ft. Drum NY 13602
Location: 2150, 2190, 2360
Status: Underutilized
Comments: off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army re a specific property & accessibility/removal reqs.

Building 2022 Property Number: 21201330020
Wheeler Sack Army Airfield
Ft. Drum NY 13602
Status: Unutilized
Comments: off-site removal only; no future agency need; 115 sf.; communication ctr.; 12t months vacant; poor conditions; secure area; contact Army for accessibility/removal reqs.

3 Buildings Property Number: 21201340018
Fort Drum
Fort Drum NY 13602
Location: 2890 (560 sq.); 1388 (296 sq.); 4779 (296 sq.)
Status: Underutilized
Comments: off-site removal only; no future agency need; poor conditions; secured area; contact Army for more information on a specific property & accessibility requirements.

01004 Property Number: 21201340038
Fort Drum
Watertown NY 13602
Status: Underutilized
Comments: off-site removal only; no future agency need; obstacle course; dissemble required to relocate; restricted area; contact Army for more info.

3 Buildings Property Number: 21201420010
Fort Drum
Fort Drum NY 13602
Location: 1395; 1495; 22639
Status: Underutilized
Comments: off-site removal only; no future agency need; poor conditions; secured area; contact Army for more info. on a specific property & removal accessibility reqs.

Building 2560 Property Number: 21201520032
Munns Corners Road
Fort Drum NY 13601
Status: Underutilized
Comments: off-site removal; 36 sq. ft.; no future agency need; communication ctr.; poor conditions; contact Army for more information.

North Carolina

Building 42843 Property Number: 21201240034
Ft. Bragg
Ft. Bragg NC 28310
Location: 42843
Status: Underutilized
Comments: located in a secured area, public access is denied and no alternative method to gain access without compromising national security.

Building D1209 Property Number: 21201330069
4285 Gruber Road
Ft. Bragg NC 28308
Status: Unutilized
Comments: 15,327 sf; 21 yrs. old; extensive repairs needed; secured area; extensive background check required; contact Army for accessibility requirements.

D3039 Property Number: 21201330070
3912 Donovan Street
Ft. Bragg NC 28308
Status: Unutilized
Comments: 13,247 sf.; 42 yrs. old; dining facility; extensive repairs; extensive background check; secured area; contact Army for accessibility requirements.

3 Buildings Property Number: 21201540061
Fort Bragg
Ft. Bragg NC 28310
Location: Q3113–1034505 (64 sq. ft.); Q3414–1034511 (64 sq. ft.); Q2322–296150 (17 sq. ft.)
Status: Unutilized
Comments: very poor conditions; contact Army for more information on a specific property listed above.

Ohio

125 Property Number: 21201230025
1155 Buckeye Rd.
Lima OH 45804
Location: Joint Systems Manufacturing Center
Status: Underutilized
Comments: off-site removal only; 2,284 sf.; use: storage; poor conditions; asbestos identified; secured area; contact Army re: accessibility requirements.

Oklahoma

Bldg. T–838, Fort Sill Property Number: 21199220609
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill Property Number: 21199240659
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–3325, Fort Sill Property Number: 21199240681
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. P–366, Fort Sill Property Number: 21199610740
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. T–810 Property Number: 21199730350
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only.

Bldgs. T–837, T–839 Property Number: 21199730351
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments:approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, offsite use only.

Bldg. P–934 Property Number: 21199730353
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2184 Property Number: 21199730364
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments:454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–3001, T–3006 Property Number: 21199730383
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments:approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–3314 Property Number: 21199730385
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments:229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–5041 Property Number: 21199730409
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments:763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–7775 Property Number: 21199730419
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized

Comments: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only.

4 Bldgs. Property Number: 21199910133
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.

Bldg. P–746 Property Number: 21199910135
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. S–6430 Property Number: 21199910156
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.

Bldg. T–6461 Property Number: 21199910157
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.

Bldg. T–6462 Property Number: 21199910158
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. P–7230 Property Number: 21199910159
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only.

Bldg. P–747 Property Number: 21200120120
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only.

Bldg. P–842 Property Number: 21200120123
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–1672 Property Number: 21200120126
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

6 Buildings Property Number: 21201540034
Fort Sill
Ft. Sill OK 73503
Location: 1500 (100 SQ. FT.; Fueling/POL/Wash Support Bldg.); 1501 (9,802 SQ. FT.; Vehicle Maintenance Shop);1502 (9,938 SQ. FT.; Vehicle Maintenance Shop); 1503 (10,190 SQ. FT.; Limited Use Instructional Bldg.); 1521 (80 SQ. FT.; Oil Storage Building); 2590 (3,626 SQ. FT.; ADMIN GENERAL PURPOSE)
Status: Unutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/size; 6+mons. vacant; contamination; contact Army for more information on a specific property listed above.

Pennsylvania

BUILDING
Building 01015 Property Number: 21201320031
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Unutilized
Comments: off-site removal only; 3,120 sf.; recruiting station; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Building 01001 Property Number: 21201320035
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Excess
Comments: off-site removal only; 4,830 sf.; youth center/admin.; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Puerto Rico

5 Buildings Property Number: 21201330037
Ft. Buchanan
Guaynabo PR 00934
Location: 00141, 00551, 00558, 00570, 00579
Status: Excess
Comments: Off-site removal only; deteriorated; secured area; contact Army for info. on a specific property & accessibility removal reqs.

2 Buildings Property Number: 21201540057
USAG Fort Buchanan RQ327
Fort Buchanan PR 00934
Location: 01024 (300 sq. ft.; storage); 01026 (300 sq. ft.; storage)
Status: Excess
Comments: off-site removal only; poor conditions; contact Army for more information on a property listed above.

Tennessee

00869 Property Number: 21201430036
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 3,076 sq. ft.; storage; fair conditions; asbestos in floor tiles; secured area; contact Army for more information.

07612 Property Number: 21201430044
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 600 sq. ft.; storage; fair condition; secured area; contact Army for more information.

9 Buildings Property Number: 21201440002
Fort Campbell
Ft. Campbell TN 42223
Location: 00039; 00846; 05123; 05638; 05640; 05641; 05646; 07540; 07811
Status: Excess
Comments: off-site removal only; relocation may be extremely difficult due to size/type; sq. ft. varies; poor conditions; contamination; contact Army for more information.

03R28, 02r28, & 01R28 Property Number: 21201440005
Fort Campbell
Ft. Campbell TN 42223
Status: Underutilized
Comments: off-site removal only; no future agency need; 552 sq. ft.; range support facility; major repairs; secured area; contact Army for more information.

05127 Property Number: 21201440058
Fort Campbell
Ft. Campbell TN 42223
Status: Excess
Comments: off-site removal only; 224 sq. ft.; storage; fair conditions; contact Army for more information on accessibility/removal requirements.

4 Buildings Property Number: 21201440059
Fort Campbell
Ft. Campbell TN 42223
Location: 05211 (320 sq. ft.); 05665 (800 sq. ft.); 00100 (800 sq. ft.); 01604 (126 sq. ft.)
Status: Excess
Comments: off-site removal only; fair conditions; usage varies; contact Army for more information on a specific property.

06907 Property Number: 21201530029
Ft. Campbell
Ft. Campbell TN 42223
Status: Unutilized
Comments: 2,581 Sq. ft.; office; 50+ yrs. old; fair conditions; needs repair; daily repair; contamination; daily registration required to access property; contact Army for more information.

3 Buildings Property Number: 21201540017
Fort Campbell
Ft. Campbell TN
Location: 6995 (RPUID: 594789; 3,687 SQ. FT.; OFFICE); 07825 (RPUID: 590376; 15,111 SQ. FT.; Ammo Repair); A6924 (RPUID: 598990; 3,688 SQ. FT.; OFFICE)
Status: Unutilized
Comments: Fair to poor conditions; asbestos present; contact Army for more information on a specific property listed above.

Texas

Bldgs. P6220, P6222 Property Number: 21200330197
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only.

Bldgs. P6224, P6226 Property Number: 21200330198
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only.

Bldgs. 04281, 04283 Property Number: 21200720085
Fort Hood
Bell TX 76544
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed, off-site use only.

Bldg. 04285 Property Number: 21200720087

Fort Hood
Bell TX 76544
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed, off-site use only.

Bldg. 04286 Property Number: 21200720088
Fort Hood
Bell TX 76544
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only.

Bldg. 04291 Property Number: 21200720089
Fort Hood
Bell TX 76544
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only.

Bldg. 00324 Property Number: 21200810049
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 13,319 sq. ft., most recent use—roller skating rink, off-site use only.

Bldg. 04449 Property Number: 21200810056
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3822 sq. ft., most recent use—police station, off-site use only.

B–42 Property Number: 21201210007
Fort Hood
Ft. Hood TX 76544
Status: Excess
Comments: off-site removal only; 893 sq. ft.; current use: storage; asbestos identified.

B–1301 Property Number: 21201220001
Ft. Bliss
Ft. Bliss TX 79916
Status: Underutilized
Comments: off-site removal only; 18,739 sf.; current use: thrift shop; poor conditions; need repairs.

Bldg. 7194 Property Number: 21201220002
Ft. Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; 2,125 sf.; current use: housing; poor conditions—need repairs; asbestos & lead identified; need remediation.

Building 6951 Property Number: 21201240010
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 288 sf.; utility bldg.; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Building 6942 Property Number: 21201240011
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 1,059 sf.; storage; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Bldg. 2432 Property Number: 21201240013
Carrington Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 180 sf.; dispatch bldg.; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

Building 50 Property Number: 21201240014
50 Slater Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 9,900 sf.; office; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

2 Building Property Number: 21201330029
Fort Bliss
Fort Bliss TX 79916
Location: 05015 (22,915 sf.); 05019 (23,495 sf.)
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; 6+ months vacant; contact Army for info. on accessibility; removal reqs.

92065 Property Number: 21201420021
92065 Supply Rd.
Fort Hoop TX 76544
Status: Excess
Comments: off-site removal only; 3,994 sq. ft.; admin general purpose; 1+ month vacant; contact Army for more information.

4285 Property Number: 21201430019
Fort Hood
Fort Hood TX 76544
Location: 4285
Status: Unutilized
Comments: off-site removal only; no future agency need; semi-perm. Structure type; 10,552 sq. ft.; removal may be difficult due to size; poor condition; secured area; contact Army for more information.

2 Buildings Property Number: 21201430020
Fort Hood
Fort Hood TX 76544
Location: 4461 (6,515 sq. ft.); 4611 (3,311 sq. ft.)
Status: Excess
Comments: off-site removal only; removal may be difficult due to size/type; fair to poor condition; asbestos present in building 4611; secured area; contact Army for more information.

4408 Property Number: 21201430021
Fort Hood
Fort Hood TX 76544
Location: 4408
Status: Excess
Comments: off-site removal only; semi-perm. Structure type; 9,812 sq. ft.; removal difficult due to size; fair condition; secured area; contact Arm for more information.

9 Buildings Property Number: 21201430030
Fort Hood
Fort Hood TX 76544
Location:
4640 (1,606sq.ft.); 4641 (2,021sq.ft.); 4644 (4,080sq.ft.); 4656 (4,045sq.ft.); 4657 (4,040sq.ft.); 36019 (3,192sq.ft.); 36027 (2,425sq.ft.); 36028 (2,400sq.ft.); 36043 (5,000sq.ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; due to site relocation may be difficult; poor condition; secured area; contact Army for more information.

715 Property Number: 21201430047
Fort Hood
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; 2,810 sq. ft.; semi-permanent structure type; 11+ months vacant; fair condition; contamination; secured area; contact Army for more information.

07133 Property Number: 21201440011
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 12,178 sq. ft.; storage; 120+ months vacant; poor conditions; contact Army for more information.

5 Buildings Property Number: 21201440012
Fort Bliss
Ft. Bliss TX 79916
Location: 07134; 07142; 07153; 07162; 07178
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; sq. ft. varies; 120+ months vacant; poor conditions; contact Army for more information.

05095 Property Number: 21201440022
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; no future agency need; 12+ months vacant; good conditions; secured area; contact Army for more information.

07113 Property Number: 21201440023
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; 8,855 sq. ft.; no future agency need; relocation difficult due to size/type; 120+ months vacant; child-care center; poor conditions; contact Army for more information.

2 Buildings Property Number: 21201440035
Yoakum USARC
Yoakum TX 77995
Location: P1005; P1006
Status: Underutilized
Comments: off-site removal only; no future agency need; 30 sq. ft.; storage for flammable materials; 53+ yrs.-old; remediation needed; contact Army for more information.

4 Buildings Property Number: 21201520026
Fort Hood
Fort Hood TX 76544
Location: Buildings 12000 (284 sq.); 4496 (284 sq.); 27000 (284 sq.); 86000 (284 sq.)
Status: Unutilized
Comments: off-site removal; 32+yrs. old; equipment bldgs.; 1+ mos. vacant; no future agency need; contact Army for more information.

10 Buildings Property Number: 21201520043
USAG Fort Bliss
USAG Fort Bliss TX 79916
Location: Building 05096 (768 sq.); 08396 (198 sq.); 08395 (198 sq.); 08380 (900 sq.); 08365 (132 sq.); 08364 (432 sq.); 08309 (120 sq.); 08348 (108 sq.); 08268 (432 sq.); 08349 (100 sq.)
Status: Unutilized
Comments: off-site removal; 28–70 yrs. old for bldgs. respectively above; admin; toilet;

storg; range bldg.; off. qtrs.; vacant 12–60 mos.; poor cond; no future agency need; contact Army for more info.

90005; RPUID:285770 Property Number: 21201540012
Clarke Road
Fort Hood TX
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type; 181 sq. ft.; Navigation Building, Air; contact Army for more information.

92044; RPUID: 286348 Property Number: 21201540021
Loop Road
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type/size; 1,920 SQ. FT.; Admin General Purpose; lead and asbestos contamination; contact Army for more information.

1348 (RPUID: 313187) Property Number: 21201540022
North Avenue
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; 654 sq. ft.; Admin General Purpose; fair/moderate conditions; Asbestos located in Building caulking and putties; contact Army for more information.

91003; RPUID: 286087 Property Number: 21201540025
West Headquarters Avenue
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type; 325 sq. ft.; Storage General Purpose; possible lead and asbestos contamination; contact Army for more information.

36017; RPUID: 174093 Property Number: 21201540027
Wratten Drive
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type/size; 2,400 sq. ft.; Laboratory; contact Army for more information.

Utah

Building 00118 Property Number: 21201310002
1 Tooele Army Depot
Tooele UT 84074
Location: previously reported under HUD property number 21200740163
Status: Underutilized
Comments: off-site removal only; 6,136 sf.; 4 mons. vacant; barracks; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00155 Property Number: 21201310003
1 Tooele Army Depot
Tooele UT 84074
Location: previously reported under HUD property number 21200740165
Status: Underutilized
Comments: off-site removal only; 8,960 sf.; bowling ctr.; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00030 Property Number: 21201310067
Tooele Army Depot
Tooele UT 84074
Status: Underutilized
Comments: off-site removal only; playground; disassembly required; minor restoration needed; restricted area; contact Army for accessibility/removal reqs.

Building 01322 Property Number: 21201330047
1 Tooele Army Depot
Tooele UT 84074
Status: Unutilized
Comments: off-site removal only; no future agency need; 53 sf.; 26+ months vacant; access control facility; poor conditions; secured area; contact Army for more info. on accessibility removal reqs.

Virginia

Fort Story Property Number: 21200720065
Ft. Story VA 23459
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only.

8 Bldgs. Property Number: 21201220004
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 808, 1150, 1197, 2303, 2903, 2905, 2907, 3137
Status: Excess
Comments: off-site removal only; sf. varies; usage varies; good to poor conditions; may require repairs; contact Army for more details on specific properties.

9 Buildings Property Number: 21201240003
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 358, 361, 1140, 1141, 1142, 1143, 1498, 1499, 2302
Status: Unutilized
Comments: off-site removal only; sf. varies; Admin.; fair conditions; located in restricted area; contact Army for info. on accessibility/removal & specific info. on a property.

510 Property Number: 21201430007
Defense Supply Center
Richmond VA 23237
Location: 510
Status: Excess
Comments: off-site removal only; removal may be difficult due to structure type; Barbeque Pit; 20 sq. ft.; 22+ years old; secured area; contact Army for more information.

Building 22696 Property Number: 21201510015
Fort Drum
Ft. Drum VA 13602
Status: Unutilized
Comments: off-site removal only; no future agency need; removal may be difficult; 400 sq. ft.; range operations bldg.; deteriorated; contact Army for more information.

T–482 Property Number: 21201520003
JB Myer Henderson Hall
Ft. Myer VA 22211
Status: Excess
Comments: off-site removal only; 8,267 sq. ft.; relocation may be difficult to size; office; 6+ months vacant; contact Army for more information.

Washington

Bldg. 8956 Property Number: 21199920308
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

E1302 & R7610 Property Number: 21201230028
JBLM
JBLM WA 98433
Status: Unutilized
Comments: 80 sf. (E1302); 503 sf. (R7610); use: varies; major repairs needed; secured area; contact Army re: accessibility requirements.

Bldg. 06239 Property Number: 21201430053
Joint Base Lewis McChord
JBLM WA 90433
Status: Unutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to size/type; poor conditions; contact Army for more info.

23 Buildings Property Number: 21201430054
Joint Base Lewis McChord
JBLM WA 98433
Location: 03223; 03225; 03627; 03628; 03629; 03632; 03638; 03640; 03641; 03643; 03644; 03645; 06991; 09663; 09998; 11680; A0303; C1342; F0017; F0018; J0831; J0833; W3641
Status: Underutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to type/size; poor conditions; secured area; contact for more info.

Building 02080 Property Number: 21201440048
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation may be difficult due to type/size; 2,031 sq. ft.; storage; 1+ month vacant; major repairs needed; contact Army for more information.

2 Buildings Property Number: 21201440057
Joint Base Lewis McChord
JBLM WA 98433
Location: 01036; 01037
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size; 8,142 sq. ft. for each; major repairs needed; contact Army for more information.

5 Buildings Property Number: 21201510042
Joint Base Lewis McChord
JBLM WA 98433
Location: D0110 (148 sq. ft.); 03933 (192 sq. ft.); O04ED(48 sq. ft.); 14109 (225 sq. ft.); 09643 (720 sq. ft.)
Status: Underutilized
Comments: off-site removal only; no future agency need; significant repairs needed; contact Army for more information on a specific property.

Building 03932 Property Number: 21201520001
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized

Comments: off-site removal only; no future agency need; 120 sq. ft.; storage; 49+ yrs.; significant repairs for restoration; contamination; contact Army for accessibility and removal requirements.

COE

Building

Arkansas

10′x24′ Concrete Floor & Slab Property Number: 31201540003
Roof
10299 Bay Ridge Dr.
Dardanelle AR 72834
Status: Underutilized
Comments: 240 sq. ft.; rec. facility (campground) restroom; fair conditions; contact COE for more information.

2 Structures Property Number: 31201540004
blue Mountain Lake Field Office
CESWL–OP–NB–B
Havana AR 72842
Location: Waveland Park Vault Toilet, BLUMTN–43365, 16′x10′8″; Tower Heights Park, Vault Toilet, BLUMTN–43347, 10′8''x24′
Status: Underutilized
Comments: deteriorated/decay; will require substantial repairs; contact COE for more information.

2 Structures Property Number: 31201540005
Blue Mountain Lake Field Office
CESWL–OP–NB–B
Plainview AR 72842
Location: Fish Cleaning Station with canopy, NIMROD–44953, 144 sq. ft.; Fish Cleaning Station with canopy, NIMROD–44942
Status: Underutilized
Comments: deteriorated/decay; will require substantial repairs; contact COE for more information.

Oklahoma

Land

0.1 Acres of Land Property Number: 31201540002
Lake Eufaula
Lake Eufaula OK
Status: Unutilized
Comments: 100% of property occupied by unauthorized encroachment consisting of a portion of a residence and porch.

GSA

Building

Illinois

(MED) Outer Marker (OM) Property Number: 54201540006
Facility
297 Spring Lake Drive
Itasca IL 60143
Location: Land Holding Agency: FAA
Disposal Agency: GSA
Status: Surplus
Comments: .441 acres; FAA tower site; contact GSA for more information.
GSA Number: 1–U–IL–805.

Wisconsin

FM Repeater Station Install.#3 Property Number: 54201540003
Sec. 26, T. 9N, R 6W
Lynnville WI 54626
Location: Land Holding Agency: COE
Disposal Agency: GSA
Status: Excess
Comments: 50+ yrs. old; 80 sq. ft.; storage; average condition; contact GSA for more information.

GSA Number: 1–D–WI–622
Social Security Office Bldg. Property Number: 54201540012
606 N. 9th Street
Sheboygan WI
Location: WI0098ZZ
Status: Excess
Comments: 37+yrs. old; 4,566 sq. ft.; office building; contact GSA for more information.
GSA Number: 1–W–623–AA

Interior

Building

California

Biology Trailer Property Number: 61201510002
6525 Lindermann Rd.
Byron CA 94514
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,976 sq. ft.; missing door/floor boards & wall rotten; contact Interior for more information.

Vermont

Tract #1–205–30, Property Number: 61201540005
Bartlett House; Appalachian National Scenic Trail; 563 Bartlett Brook Rd.
Pomfret VT 05067
Status: Excess
Comments: off-site removal only; 900 sq. ft.; structurally sound; boarded up; contact Interior for more information.

Navy

Building

California

Facility 20281 Property Number: 77201510003
Naval Air Weapons Station
China Lake CA 93555
Status: Excess
Comments: off-site removal only; 346 sq. ft.; 20+ yrs.-old; short range air navigational aid; roof need to be replaced; contamination; contact Navy for more information.

Florida

Yellow Water Property Number: 77201530026
Normandy Blvd.
NAS Jacksonville FL
Status: Unutilized
Comments: 102 acres; recreational; contact Navy for more information.

Land

Guam

Andersen Administrative Annex Property Number: 77201530027
(Andy South)
Marine Corps Dr. & Turner Street
Yigo GU
Status: Unutilized
Comments: 43,560 sq. ft. portion of Anderson Administrative Annex is occupied by the Guam Fire Dept. contact Navy for more information.

Building

Mississippi

Facility #457-Mainteinance & Property Number: 77201520021
Repair Facility
Naval Construction Battalion Center
Gulfport MS 39501
Status: Unutilized
Comments: off-site removal only; 8.25+ yrs. old; 928 sq. ft.; 30+ mos. vacant; maintenance; exceeded its useful life; no future agency need; contact Navy for more information.

North Carolina

2 Buildings Property Number: 77201530011
East of NC Hwy 33
Hobucken NC 28537
Location: 200'Communication Tower; Tower Support Facility
Status: Excess
Comments: off-site removal only; contact Navy for information.

Land

Swann Quarter Tower; N60191 Property Number: 77201540004
Naval Air Station Oceana
Hyde Co. NC
Status: Excess
Comments: 11.11 acres; contact Navy for more information.

Building

Texas

3 Buildings Property Number: 77201530024
Naval Air Station Corpus Christi
Corpus Christi TX 78419
Location: Bldg. H56B (900 sq.); Bldg. H–111 (255 sq. ft.); Bldg. H–101 (1,260 sq.)
Status: Excess
Comments: 27–62 yrs. old; bathhouse, generator bldg., CPO club; poor conditions; obtain visitor's pass for entry; contact Navy for more information.

Facility H56 Property Number: 77201530025
Naval Air Station Corpus Christi
Corpus Christi TX 78419
Status: Excess
Comments: 76+ yrs. old; swimming pool; poor condition; must obtain visitor's pass; contact Navy for more information.

Washington

B327 Property Number: 77201510013
Naval Air Station Whidbey Island WA
Oak Harbor WA 98278
Status: Unutilized
Comments: 71+ yrs. old; vacant 3 yrs.; 192 sq. ft.; water facility; no heat or water; door conditions; contact Navy for more info.

TITLE V PROPERTIES REPORTED IN YEAR 2015 WHICH ARE SUITABLE AND UNAVAILABLE

Air Force

Building

Oklahoma

24 Buildings Property Number: 18201310040
Tinker AFB
Tinker AFB OK 73145
Status: Excess
Reason: Federal need

Building 4008 Property Number: 18201320085

6285 Hilltop Rd.
Tinker AFB OK 73145
Status: Excess
Reason: Existing Federal need.

Army

Building

Arizona

Bldg. 22541 Property Number: 21200520078
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied

Bldg. 22040 Property Number: 21200540076
Fort Huachuca
Cochise AZ 85613
Status: Excess
Reason: Occupied

California

00806 Property Number: 21201410017
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Status: Unutilized
Reason: Existing Federal Need

Georgia

1096 Property Number: 21201410001
Fort Stewart
Ft. Stewart GA 31314
Status: Excess
Reason: Existing Federal Need; Occupied

3 Buildings Property Number: 21201410002
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Reason: Existing Federal Need; Occupied

1124 Property Number: 21201410010
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Reason: Existing Federal need; occupied

Louisiana

Bldgs. T406, T407, T411 Property Number: 21200540085
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

8 Buildings Property Number: 21201340023
Fort Polk
Fort Polk LA 71459
Status: Underutilized
Reason: Existing Federal need

Maryland

Bldg. 1007 Property Number: 21200140085
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 8608 Property Number: 21200410099
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 0001C Property Number: 21200520115
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00032, 00H14, 00H24 Property Number: 21200520116
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00034, 00H016 Property Number: 21200520117
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00H10, 00H12 Property Number: 21200520118
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Missouri

Bldg. 1230 Property Number: 21200340087
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 1621 Property Number: 21200340088
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760 Property Number: 21200410102
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5762 Property Number: 21200410103
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5763 Property Number: 21200410104
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5765 Property Number: 21200410105
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760 Property Number: 21200420059
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5762 Property Number: 21200420060
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5763 Property Number: 21200420061
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5765 Property Number: 21200420062
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 00467 Property Number: 21200530085
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743
Status: Unutilized
Reason: Occupied

Texas

Bldg. 04632 Property Number: 21200620093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04640 Property Number: 21200620094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 4207 Property Number: 21200740076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4219A Property Number: 21200740079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04485 Property Number: 21200740084
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04489 Property Number: 21200740086
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Utilized

Bldg. 20102 Property Number: 21200740091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56329 Property Number: 21200740100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92043 Property Number: 21200740102
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg.4404 Property Number: 21200740190
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 94031 Property Number: 21200740194
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Building 6924 Property Number: 21201240012
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Reason: Occupied

8 Buildings Property Number: 21201410020
Fort Hood
Ft. Hood TX 76544
Status: Excess

Reason: Existing Federal Need; Occupied

9 Buildings Property Number: 21201410021
Fort Hood
Fort Hood TX 96544
Status: Excess
Reason: Existing Federal need; occupied

8 Buildings Property Number: 21201410023
Fort Hood
Fort Hood TX 76544
Status: Excess
Reason: Existing Federal need; occupied

8 Buildings Property Number: 21201410028
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Existing federal need; occupied

Virginia

Bldg. T2827 Property Number: 21200320172
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. 01014 Property Number: 21200720067
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01063 Property Number: 21200720072
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 00215 Property Number: 21200720073
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Washington

03215 Property Number: 21201410008
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing federal Need; Occupied

03221 Property Number: 21201410039
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing Federal Need

GSA

Building

Alabama

SGT Jack Richburg USARCr Property Number: 54201520016
107 Kinston Highway
Opp AL 36467
Status: Excess
GSA Number: 4–D–AL–0816AA
Reason: Conveyance pending

Arkansas

708 Prospect Avenue Property Number: 54201530006
708 Prospect Avenue
Hot Springs AR 71901
Status: Surplus
GSA Number: 7–I–AR–0415–EG
Reason: Advertised for sale

Land

California

FAA Sacramento Middle Maker Property Number: 54201530007 Site
1354 Palomar Circle
Sacramento CA 95831
Status: Surplus
GSA Number: 9–U–CA–1707–AA
Reason: Expression of Interest Received

Building

Connecticut

Shepard of the Sea Chapel & Property Number: 54201510010
Community Center
231 Gungywamp Rd.
Groton CT 06340
Status: Excess
GSA Number: CT–0933
Reason: Advertised for sale

District of Columbia

49 L Street Property Number: 54201520003
49 L St. SE
Washington DC 20003
Status: Excess
GSA Number: DC–496–1
Reason: Expression of Interest Received

Louisiana

110 Willow Street Property Number: 54201540005
110 Willow Street
Homer LA 71040
Status: Excess
GSA Number: 7–A–LA–0533–AA
Reason: Expression of interested received

Land

Maine

Former Non Directional Beacon Property Number: 54201510012
''Waterville, Maine NDB''
3176 Middle Road
Sidney ME 04330
Status: Surplus
GSA Number: 1–U–ME–0696–AA
Reason: Conveyance pending

Building

Michigan

Former Newport Nike Missile Property Number: 54201530010
Site D–58
800 East Newport Road
Newport MI 48166
Status: Excess
GSA Number: 1–D–MI–0536
Reason: Advertised for sale

Minnesota

Erving L. Peterson Memorial Property Number: 54201520012
USARC
1813 Industrial Blvd.
Fergus Falls MN 56537
Status: Excess
GSA Number: 1–D–MN–0599–AA
Reason: Advertised for sale

FM Repeater Station Install.#3 Property Number: 54201540004
Sec. 24, T. 105N, R 5W
Dresbach MN
Status: Excess
GSA Number: 1–D–MN–598
Reason: Expression of interest received

Missouri

Former NMCB15 Richards-Gedaur Property Number: 54201510004
RPSUID 212
600 Seabee Drive
Belton MO 64068
Status: Surplus
GSA Number: 7–D–MO–0705
Reason: Expression of Interest Received

Nebraska

Grand Island U.S. Post Office Property Number: 54201520018 and Courthouse
203 West 2nd Street
Grand Island NE 68801
Status: Surplus
GSA Number: 7 G–NE–0519–AA
Reason: Expression of interest received.

Land

Nevada

USGS Elko Parcel Property Number: 54201540013
1701 North 5th Street
Elko NV 89801
Status: Surplus
GSA Number: 9–I–NV–0465–AE
Reason: Expression of interest

Building

New York

Michael J. Dillon Property Number: 54201540010
U.S. Memorial Courthouse
68 Court Street
Buffalo NY 14202
Status: Excess
GSA Number: NY–0993–AA
Reason: Expression of interest received

Land

QTP Radio Comm. Link Property Number: 54201510006
Repeater Facility
N. of Tennanah Rd.
Fremont NY 12736
Status: Excess
GSA Number: 1–U–NY–0988–AA
Reason: Conveyance pending.

Former ELM Directional Finder Property Number: 54201520004
N. of Halderman Hollow Rd.
Big Flats NY 14903
Status: Excess
GSA Number: 1–U–NY–0990–AA
Reason: Conveyance pending.

Building

North Carolina

Johnson J. Hayes Federal Build Property Number: 54201540015
207 West Main Street
Wilkesboro NC 28697
Status: Excess
GSA Number: NC–0735–AB
Reason: Expression of interest received

Oklahoma

Carl F. Albert FB/CH Property Number: 54201540014
McAlester
301 E. Carl Albert Parkway
McAlester OK 74501
Status: Excess
GSA Number: 7–G–OK–0583–AA
Reason: Expression of interest received

Land

FAA Oklahoma City Outer Marker Property Number: 54201530003

NW 3rd. Street
Oklahoma City OK 73127
Status: Surplus
GSA Number: 7–U–OK–0582–AA
Reason: Advertised for sale

Building

Oregon

FAA Non Directional Becon Property Number: 54201540009
(NDB) sites on 0.92 acres
93924 Pitney Lane., Sec 6, T 16S R4W, W.M.
Junction City OR 97448
Status: Unutilized
GSA Number: 9–OR–0806
Reason: Expression of interest received

Land

Pennsylvania

FAA 0.65 Acres Vacant Land Property Number: 54201520013
Westminster Rd.
Wilkes-Barre PA 18702
Status: Surplus
GSA Number: 4–U–PA–0828AA
Reason: Advertised for sale.

South Carolina

Formerly the FAA's D7 Remote Property Number: 54201540011
Communications Link Receiver Fac.
Latitude N. 33.418194 & Longitude W. 80.13738
Eadytown SC
Status: Surplus
GSA Number: 4–U–SC–0633–AA
Reason: Expression of interest received

Building

South Dakota

Lemmon Vehicle Storage Building Property Number: 54201510009
207 10th Street W.
Lemmon SD 57638
Status: Surplus
GSA Number: 7–D–SD–0633–AA
Reason: Conveyance pending.

Land

Tennessee

Parcel 279.01 Property Number: 54201520014
Northwest corner of Administration Rd. & Laboratory Rd
Oak Ridge TN 37830
Status: Surplus
GSA Number: 4–B–TN–0664–AD
Reason: Conveyance pending

Parcel ED–3 E Property Number: 54201520015 and W (168.30 +/- acres)
South Side of Oak Ridge Turnpike
Oak Ridge TN 37763
Status: Surplus
GSA Number: 4–B–TN–0664–AG
Reason: Advertised for sale

Parcels ED–13, 3A, 16 Property Number: 54201530001
Portions of D–8 & ED–4
N. Side of Oak Ridge Turnpike (State Rte. 58)
Oak Ridge TN 37763
Status: Surplus
GSA Number: 4–B–TN–0664–AF
Reason: Expression of interest received.

Building

Texas

3 Bldgs.; Former Hebbronville Property Number: 54201540001
1312 W. Harald Street
Hebbronville TX 78361
Status: Surplus
GSA Number: 7–X–TX–0621–AB
Reason: Expression of interest received

Land

Brownwood Vacant Land Property Number: 54201540008 and Parcel
Morris Sheppard Dr. & Memorial Park
Brownwood TX 78601
Status: Surplus
GSA Number: 7–D–TX–1163–AA
Reason: Expression of interest received

Building

Washington

Old Lynden Border Patrol Property Number: 54201510003
Station; 8334 Guide Meridian Rd.
Lynden WA 98264
Status: Excess
GSA Number: 9–Z–WA–1276
Reason: Advertised for sale.

Land

West Virginia

Former AL1–RCLR Tower Site Property Number: 54201530002
2146 Orleans Rd.,
Great Cacapon WV 25422
Status: Surplus
GSA Number: 4–U–WV–0561AA
Reason: Expression of Interest.

Building

Wisconsin

Canthook Lake—House/Storage Property Number: 54201530009
Canthook Lake
Iron River WI
Status: Excess
GSA Number: 1–A–WI–0624–AA
Reason: Advertised for sale

FM Repeater Station Install.#3 Property Number: 54201540002
Sec. 36, T. 25N, R 13W
Bay City WI
Status: Excess
GSA Number: 1–D–WI–621
Reason: Expression of interest received

Navy

Land

Tennessee

(+/-) 72 Acre Site Property Number: 77201520025
5722 Integrity Dr.
Millington TN 38054
Status: Underutilized
Reason: Existing Federal Need

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Part III

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 401 and 405

Medicare Program; Reporting and Returning of Overpayments; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 401 and 405

[CMS–6037–F]

RIN 0938–AQ58

Medicare Program; Reporting and Returning of Overpayments

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule requires providers and suppliers receiving funds under the Medicare program to report and return overpayments by the later of the date that is 60 days after the date on which the overpayment was identified; or the date any corresponding cost report is due, if applicable. The requirements in this rule are meant to ensure compliance with applicable statutes, promote the furnishing of high quality care, and to protect the Medicare Trust Funds against fraud and improper payments. This rule provides needed clarity and consistency in the reporting and returning of self-identified overpayments.

DATES: These regulations are effective on March 14, 2016.

FOR FURTHER INFORMATION CONTACT: Joe Strazzire, (410) 786–2775.

SUPPLEMENTARY INFORMATION:

I. Executive Summary and Background

A. Executive Summary

1. Purpose

On March 23, 2010, the Affordable Care Act was enacted. Section 6402(a) of the Affordable Care Act established a new section 1128J(d) of the Social Security Act (the Act). Section 1128J(d)(1) of the Act requires a person who has received an overpayment to report and return the overpayment to the Secretary, the state, an intermediary, a carrier, or a contractor, as appropriate, at the correct address, and to notify the Secretary, state, intermediary, carrier or contractor to whom the overpayment was returned in writing of the reason for the overpayment. Section 1128J(d)(2) of the Act requires that an overpayment be reported and returned by the later of—(A) the date which is 60 days after the date on which the overpayment was identified; or (B) the date any corresponding cost report is due, if applicable. Section 1128J(d)(3) of the Act specifies that any overpayment retained by a person after the deadline for reporting and returning an overpayment is an obligation (as defined in 31 U.S.C. 3729(b)(3)) for purposes of 31 U.S.C. 3729.

The requirements in this rule are meant to ensure compliance with applicable statutes, promote the furnishing of high quality care, and to protect the Medicare Trust Funds against fraud and improper payments. This rule provides needed clarity and consistency in the reporting and returning of self-identified overpayments. However, even without this final rule, providers and suppliers are subject to the statutory requirements found in section 1128J(d) of the Act and could face potential False Claims Act (FCA) liability, Civil Monetary Penalties Law (CMPL) liability, and exclusion from federal health care programs for failure to report and return an overpayment. Additionally, providers and suppliers continue to be required to comply with our current procedures [1] when we, or our contractors, determine an overpayment and issue a demand letter.

2. Summary of the Major Provisions

a. Meaning of Identification

Section 1128J(d) of the Act provides that an overpayment must be reported and returned by the later of—(i) the date which is 60 days after the date on which the overpayment was identified; or (ii) the date any corresponding cost report is due, if applicable. This final rule states that a person has identified an overpayment when the person has or should have, through the exercise of reasonable diligence, determined that the person has received an overpayment and quantified the amount of the overpayment. Creating this standard for identification provides needed clarity and consistency for providers and suppliers on the actions they need to take to comply with requirements for reporting and returning of self-identified overpayments.

b. Lookback Period

This final rule states that overpayments must be reported and returned only if a person identifies the overpayment within 6 years of the date the overpayment was received. Creating this limitation for how far back a provider or supplier must look when identifying an overpayment is necessary in order to avoid imposing unreasonable additional burden or cost on providers and suppliers.

c. How to Report and Return Overpayments

This final rule states that providers and suppliers must use an applicable claims adjustment, credit balance, self-reported refund, or another appropriate process to satisfy the obligation to report and return overpayments. This position preserves our existing processes and preserves our ability to modify these processes or create new processes in the future.

3. Summary of Costs and Benefits

This final rule states that a provider or supplier must (1) report and return an overpayment to the Secretary, the state, an intermediary, a carrier or a contractor to the correct address by the later of 60 days after the overpayment was identified or the date the corresponding cost report is due, and (2) notify the Secretary, the state, an intermediary, a carrier, or a contractor in writing of the reason for the overpayment. The costs associated with these requirements are the time and effort necessary for providers and suppliers to identify, report, and return overpayments in the manner described in this rule. We project an annual cost burden of between $120.87 million and $201.45 million. The former represents our low-end estimate, while the latter is our high-end estimate. Our primary, or mid-range, projection is an estimate of $161.16 million.

The requirements in this final rule are meant to ensure compliance with applicable statutes, promote the furnishing of high quality care, and to protect the Medicare Trust Funds against fraud and improper payments. The potential financial benefits of this final rule from the standpoint of its effectiveness in recouping overpayments are not easily quantifiable, as we do not have sufficient data on which to base a monetary estimate of recovered funds.

B. Background

The Medicare program (title XVIII of the Act) is the primary payer of health care for approximately 50 million enrolled beneficiaries. Providers and suppliers furnishing Medicare items and services must comply with the Medicare requirements set forth in the Act and in CMS regulations. The requirements are meant to ensure compliance with applicable statutes, promote the furnishing of high quality care, and to protect the Medicare Trust Funds against fraud and improper payments. As part of our efforts to reduce fraud, waste, and abuse in the Medicare program, we twice proposed, but did

[1] *https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/MLN-Publications-Items/CMS1243389.html.*

not finalize, rules that would have amended our regulations to codify the longstanding responsibility of persons to report and return Medicare overpayments. (See the March 25, 1998 (63 FR 14506) and January 25, 2002 (67 FR 3662) proposed rules.)

On March 23, 2010, the Affordable Care Act was enacted. Section 6402(a) of the Affordable Care Act established a new section 1128J(d) of the Act. Section 1128J(d)(1) of the Act requires a person who has received an overpayment to report and return the overpayment to the Secretary, the state, an intermediary, a carrier, or a contractor, as appropriate, at the correct address, and to notify the Secretary, state, intermediary, carrier or contractor to whom the overpayment was returned in writing of the reason for the overpayment. Section 1128J(d)(2) of the Act requires that an overpayment be reported and returned by the later of—(A) the date which is 60 days after the date on which the overpayment was identified; or (B) the date any corresponding cost report is due, if applicable. Section 1128J(d)(3) of the Act specifies that any overpayment retained by a person after the deadline for reporting and returning an overpayment is an obligation (as defined in 31 U.S.C. 3729(b)(3)) for purposes of 31 U.S.C. 3729.

Section 1128J(d)(4)(A) of the Act defines ''knowing'' and ''knowingly'' as those terms are defined in 31 U.S.C. 3729(b). In that statute the terms ''knowing'' and ''knowingly'' mean that a person with respect to information—(i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information. 31 U.S.C. 3729(b) also states that knowing and knowingly do not require proof of specific intent to defraud. Section 1128J(d)(4)(B) of the Act defines the term ''overpayment'' as any funds that a person receives or retains under title XVIII or XIX to which the person, after applicable reconciliation, is not entitled under such title. Lastly, section 1128J(d)(4)(C) of the Act defines the term ''person'' as a provider of services, supplier, Medicaid managed care organization (MCO) (as defined in section 1903(m)(1)(A) of the Act), Medicare Advantage (MA) organization (as defined in section 1859(a)(1) of the Act) or prescription drug plan (PDP) sponsor (as defined in section 1860D–41(a)(13) of the Act). Section 1128J(d)(4)(C) of the Act excludes beneficiaries from the definition of person.

In the February 16, 2012 **Federal Register** (77 FR 9179), we published a proposed rule that would implement the provisions of section 1128J(d) of the Act.

II. Provisions of the Proposed Regulations and Analysis of and Responses to Public Comments

To implement section 1128J(d) of the Act, we proposed to establish a new subpart D in part 401 of our regulations, to revise § 401.607, and to add sections to part 405 of our regulations. In response to the February 16, 2012 proposed rule, we received approximately 200 timely pieces of correspondence. In this section of this final rule, we summarize our proposals, respond to the public comments received, and detail the changes made to our proposals.

Many commenters stated their support for many provisions and goals of the proposed rule. Commenters generally agreed that providers and suppliers should promptly refund overpayments and maintain efforts to prevent and detect improper payments. While these commenters also suggested changes to certain provisions of the proposed rule, commenters stated that many of the proposed rule's requirements were reasonable. Some commenters stated they were pleased that CMS issued the proposed rule and believed it would motivate providers and suppliers to educate billing staff and practitioners on Medicare billing rules. These commenters stated they were hopeful that the rule would reduce improper payments and would help ensure the viability of the Medicare Trust Funds. Overall, we appreciate the comments expressing support for as well as the comments suggesting changes to the proposed rule.

A. Scope of Subpart (Proposed § 401.301)

In proposed § 401.301, we stated that subpart D sets forth the policies and procedures for reporting and returning overpayments to the Medicare program for providers and suppliers of services under Parts A and B of title XVIII. We proposed to implement the requirements set forth in section 1128J(d) of the Act only as they relate to Medicare Part A and Part B providers and suppliers. Other stakeholders, including, without limitation, MA organizations, PDPs, and Medicaid MCOs would be addressed in future rulemaking. Since then, in the May 23, 2014 **Federal Register** (79 FR 29844), we published a final rule that addresses Medicare Parts C and D. No final rule has been published that addresses Medicaid requirements

Comment: A number of commenters expressed concern over the limitation of the proposed rule to Medicare Parts A and B. Commenters stated that CMS did not articulate any statutory authority or rationale for creating this distinction and narrowing the scope of the proposed rule to Medicare Part A and Part B providers and suppliers. According to commenters, the Medicare payment rules do not create any analytically distinct issues for Medicare Part A and Part B providers and suppliers over other categories of ''persons'' as defined under the proposed rule, thus commenters believed that the rule should similarly apply equally to all categories of persons as they relate to Medicare. Commenters noted that many providers or suppliers who submit claims to Medicare Part A or B also submit claims to managed care plans under Part C, plan sponsors under Part D, and Medicaid. Commenters requested that CMS include all of Medicare and Medicaid in the final rule or quickly issue other proposed rules so all providers and suppliers have guidance on their obligations and are treated equally.

Response: Given the differences that exist between Medicare Parts A and B and Medicare Parts C and D and Medicaid, we believe that separate rulemaking processes are appropriate to address those differences. Those differences include, but are not limited to, how the programs are administered and the involvement of Medicare contractors in Part A and B, private health insurance plans in Part C, PDP sponsors in Part D, and state Medicaid agencies and contractors in Medicaid. The Secretary has the programmatic rulemaking authority to issue regulations on section 1128J(d) of the Act. We note that section 1128J(d) of the Act does not require the Secretary to issue regulations for the statute to be effective, and the statute's requirements are in effect in the absence of regulation. Providers and suppliers that identify overpayments received from Medicare or Medicaid should report and return those overpayments to the appropriate payor as required by section 1128J(d) of the Act. We appreciate commenters' concerns, but will finalize this rule as proposed to apply to Medicare Parts A and B only. Additionally, our rules for reporting and returning of overpayments in Medicare Parts C and D were recently published in separate rulemaking (see the May 23, 2014 final rule (79 FR 29843)).

We remind all stakeholders that even without a final regulation they are subject to the statutory requirements

found in section 1128J(d) of the Act and could face potential FCA liability, CMPL liability, and exclusion from federal health care programs for failure to report and return an overpayment. Additionally, providers and suppliers continue to be required to comply with our current procedures when we, or our contractors, determine an overpayment and issue a demand letter.

B. Definitions (Proposed § 401.303)

We proposed three definitions in § 401.303. We proposed to define ''Medicare contractor'' as a fiscal intermediary, carrier, durable medical equipment Medicare administrative contractor (DME MAC), or Part A/Part B Medicare administrative contractor. We stated that our proposed definition captures the different contractors that would be involved in receiving reports of overpayments as well as handling the return of overpayments, consistent with the statutory requirement. Since the publication of the proposed rule, we have ceased using fiscal intermediary and carrier contracts, and accordingly we have removed these terms from the definition of ''Medicare contractor'' in the final rule.

''Overpayment'' was proposed to be defined as any funds that a person has received or retained under title XVIII of the Act to which the person, after applicable reconciliation, is not entitled under such title. This is the same definition that appears in the statute. In section II.B. of the February 2012 proposed rule (77 FR 9181), we also included certain examples of overpayments under this proposed definition as including all of the following:

- Medicare payments for noncovered services.
- Medicare payments in excess of the allowable amount for an identified covered service.
- Errors and nonreimbursable expenditures in cost reports.
- Duplicate payments.
- Receipt of Medicare payment when another payor had the primary responsibility for payment.

We also stated in the proposed rule that, in certain circumstances, Medicare makes estimated payments for services with the knowledge that a reconciliation of those payments to actual costs will be done when the actual costs or related information becomes available, usually at a later date. Interim payments made to a provider throughout the cost year are reconciled with covered and reimbursable costs at the time the cost report is due. The statutory and proposed regulatory definition of the term overpayment acknowledges this practice and provides that an overpayment does not exist until after an applicable reconciliation takes place. When a provider files a cost report, the provider is reporting the provider's reconciliation described previously and attesting to the accuracy of the information contained on the cost report. Providers must maintain the appropriate documentation supporting the costs that are claimed on the cost report. We stated that we rely upon the information that providers submit through the cost report. Whether it is an initial submission of a cost report or an amended one, we believed that providers must accurately report any cost report-related overpayments at the time they submit any cost reports to CMS.

Finally, we proposed to define the term ''Person'' as a provider (as defined in § 400.202) or a supplier (as defined in § 400.202). We noted that this proposed definition does not include a beneficiary and that our proposal was consistent with the definition of a ''person'' in section 1128J(d)(4)(C) of the Act.

We received a number of comments regarding the definitions in proposed § 401.303.

Comment: A number of commenters expressed support for the proposed definition of ''overpayment.'' However, commenters recommended that CMS exclude routine, day-to-day business practices from the definition. Examples of practices commenters cited included: (1) Items representing refunds from the return of a product where a credit will be issued; (2) routine changes to dates of service for rental periods as patients start and stop therapy, causing a change in rental periods and account adjustments; and (3) errors in payment by a Medicare contractor that lead to an excess payment. Commenters stated that these and other types of overpayments are currently reported and returned through the claims adjustment or reversal process and the credit balance reporting process. Commenters stated that these existing processes worked well and should be recognized in the rule. Many commenters stated that CMS should consider these processes as part of the definition of ''applicable reconciliation'' in proposed § 401.305(c), which would mean any amounts refunded through the claims adjustment or reversal and credit balance reporting would not fall within the definition of ''overpayment.'' Commenters stated that amounts refunded through claims adjustment/reversal or credit balance reporting do not represent fraud, waste, or abuse, which, commenters state, CMS is seeking to curtail in this rule. Also, commenters believed that expanding the meaning of ''applicable reconciliation'' in the ''overpayment'' definition would ease the burden of compliance on providers and suppliers.

Response: We understand the commenters concerns related to the definition of overpayment. As explained in the proposed rule, our proposed definition of overpayment mirrors section 1128J(d)(4)(B) of the Act. We understand the commenters' concerns about the breadth of this definition and believe we have appropriately addressed them by expanding the ways in which overpayments may be reported and returned to include the claims adjustment or reversal and credit balance reporting process, as discussed in more detail in section II.C.4. of this final rule. This change should reduce the administrative burden issue that various commenters raised. We decline to expand ''applicable reconciliation'' beyond cost reporting for reasons discussed in greater detail later in this section.

With respect to the statements regarding fraud, waste, and abuse, we recognize that many commenters posed questions and concerns about this rule's relationship to the prevention of fraud, waste, and abuse, and the FCA. While these issues will be addressed in more detail in section II.C.1. of this final rule, we recognize that not all Medicare overpayments involve fraudulent activity (though some do). Again, overpayments are any funds that a person has received or retained under title XVIII of the Act to which the person, after applicable reconciliation, is not entitled under such title. These funds might be received or retained due to fraud or due to more inadvertent reasons.

Our general aim of this final rule is to strengthen program integrity and to ensure that the Medicare Trust Funds are protected and made whole and that taxpayer dollars are not wasted. An overpayment must be reported and returned regardless of the reason it happened—be it a human or system error, fraudulent behavior, or otherwise. However, as discussed in section II.C.4., the nature of the overpayment will affect a provider's or supplier's decision about the most appropriate mechanism and recipient of the overpayment report and refund.

Comment: A number of commenters requested that overpayments not caused by the provider or supplier or that were otherwise outside of the provider or supplier's control should be excluded from our proposed definition of overpayment. Examples of this situation offered by commenters included—(1) a

CMS system error classifying a Medicare beneficiary as fee-for-service when the beneficiary was enrolled in a MA Plan; or (2) if the Medicare contractor makes a duplicate payment, pays for a non-covered service due to a contractor system edit problem, or fails to implement a national or local coverage decision correctly, resulting in an erroneous payment.

Response: We disagree with the commenters that certain types of payments, including those made as a result of an error by any particular party, should be excluded from the definition of an overpayment. We do not see any basis to exclude an overpayment from the requirements of section 1128J(d) of the Act because it may not have been caused by or was otherwise outside the control of the provider or supplier. The plain language of section 1128J(d)(1) of the Act states that providers and suppliers are obligated to report and return any overpayment that they have received within the specified statutory timeframes. We do not believe it is necessary for providers or suppliers to make determinations regarding whether they were the cause of an overpayment in lieu of reporting and returning any identified overpayments as required by this rule.

Comment: A commenter requested that the overpayment example we used in the preamble regarding a patient death occurring before the service date on a submitted claim not be considered an overpayment. The commenter stated that there could be a gap between the time of the patient's exam and the interpretation of images, during which period the patient could expire. While the commenter conceded that our example of an overpayment situation relating to the relationship between the date of a beneficiary's death and the date of service would generally be true (for example, in the case of a claim for an operation or an office visit with a date of service subsequent to a beneficiary's date of death), the commenter believed there are certain circumstances where this relationship would not, by itself, be dispositive.

Response: As we stated in the preamble to the proposed rule, the examples were not intended to be an exhaustive list of overpayment situations. Nor were they intended to address all potential factual permutations and coverage rules that determine whether a particular claim is associated with an overpayment. Providers and suppliers should analyze the facts and circumstances relevant to a particular situation to determine whether an overpayment exists.

Comment: Regarding our overpayment example ''errors and non-reimbursable expenditures in cost reports,'' a commenter requested that we rephrase our example to read: ''Increases in reimbursement resulting from errors and non-reimbursable expenditures in cost reports.'' The commenter indicated that the ''increase in reimbursement'' language is more accurate.

Response: We agree that ''increases in reimbursement resulting from errors and non-reimbursable expenditures in cost reports'' is a more accurate example for purposes of this rule. Providers and suppliers need to supply accurate information on their cost report. However, this rule concerns reporting and returning overpayments received by the provider or supplier. Therefore, if the error or non-reimbursable cost at issue did not result in an increase in reimbursement, then no overpayment was received and section 1128J(d) of the Act is not implicated.

Comment: Some commenters requested that we specifically define what it means to ''over-code'' and how a determination would be made as to whether the miscoding was deliberate. For example, a commenter referenced a physician billing for an evaluation and management (E&M) code as a level III (CPT code 99213), but an auditor determines that the documentation for the visit only supports a level II service (CPT code 99212). The commenter states that it is unclear from the proposed rule whether, in this instance, the physician would be in violation of the reporting rules and liable for penalties.

Response: Over-coding, or the more commonly used term upcoding, is illustrated by the example given by the commenter. However, the commenter appears to believe that the physician only has an obligation to report and return the overpayment if the upcoding was done deliberately. To clarify, providers and suppliers must report and return overpayments identified as a result of upcoding, whether the inappropriate coding was intentional or unintentional. We discuss the steps that must be taken when a provider or supplier has identified an overpayment in section II.C. of this final rule.

Comment: A commenter requested CMS retract all of the overpayment examples in the proposed rule and republish a proposed rule including all specific examples of what CMS considers overpayments. In the alternative, the commenter objected to all of the examples except duplicate payments because, according to the commenter, these examples are inconsistent with Medicare's practice to make estimated payments for services with the knowledge that a reconciliation of those payments to actual costs will be completed at a later date when the actual costs or other relevant information become available. According to the commenter, the word ''overpayment'' implies some payment was appropriate but the actual amount of payment was over the appropriate amount. Thus, the commenter stated that the examples are inconsistent with the purpose of the statutory and regulatory definition, with industry practice, and with the general industry understanding of what an overpayment is in light of the cost report reconciliation process.

Response: We disagree with both of the commenter's suggestions. As stated earlier, the examples were illustrative and not intended as an inclusive list of all examples of overpayments. We are unable to make blanket statements or address every factual permutation in this rulemaking, and thus it is not feasible for us to enumerate all specific examples of overpayments. Providers and suppliers should analyze the facts and circumstances relevant to their situation to determine whether an overpayment exists.

In instances where interim payments are made based on estimated costs, an overpayment is not deemed to exist for purposes of this rule until an applicable reconciliation has occurred in accordance with § 401.305(c). We also disagree with the commenter's statement that Medicare's practice is to make estimated payments for services with the knowledge that a reconciliation of those payments to actual costs will be completed at a later date. While some payments are cost-based estimated payments as acknowledged in the proposed rule, many payments are not, such as claims-based payments under fee-for-service or prospective payment systems. For example, the first preamble example is a Medicare payment for non-covered services which, in most cases, would be a claims-based payment that is not an estimated payment subject to cost report reconciliation. In addition, we disagree that the term ''overpayment'' implies that some payment was appropriate. Section 1128J(d) of the Act defines overpayment to include any funds that a person receives or retains to which the person is not entitled after applicable reconciliation. In the case of a non-covered service, as well as others, the amount to which the person is entitled is zero.

Comment: Several commenters requested clarification that an

overpayment consists only of the amount of payment a provider or supplier receives in excess of funds it should have received for the services rendered. For instance, if a supplier was paid $40 for a claim when it should have received $30, the commenters questioned whether the overpayment amount is $10 and not the entire $40 amount paid.

Response: In circumstances where a paid amount exceeds the appropriate payment amount to which a provider or supplier is entitled, the overpayment is the difference between the amount that was paid and the amount that should have been paid. In addition, there are instances where payment is made for an item or service specifically not payable under the Act (for example, claims resulting from Anti-Kickback Statute or physician self-referral law violations or claims for items and services furnished by an excluded person), or where the payment was secured through fraud. In these types of situations, the overpayment typically consists of the entire amount paid.

Comment: Several commenters requested that CMS clarify in the final rule that potential overpayments only exist if a provider or supplier retains funds to which it was not entitled to at the time that it received the funds. Commenters stated that subsequent changes in law, regulation, or guidance (such as coding rules, carrier edits, and national and local coverage decisions) should not render payments that were proper at the time they were made overpayments at a later date.

Response: We agree that payments that were proper at the time the payment was made do not become overpayments at a later time due to changes in law or regulation, unless otherwise required by law. Changes in guidance or coverage policy also usually will not alter whether a prior payment should be considered an overpayment, although there can be circumstances in which guidance is issued to clarify existing law, regulation, or coverage rules that would make clear that a past payment is an overpayment. Typically, overpayments would be determined in accordance with the effective date of any changes in law, regulation, or policy. Providers and suppliers should analyze the facts and circumstances present in their situation to determine whether an overpayment exists.

Comment: Some commenters stated that the concept of ''overpayment'' is not fair in some situations. The commenters stated that certain reasons for an overpayment, such as ''insufficient documentation'' or ''lack of medical necessity'' are extremely difficult to define objectively.

Response: The definition of overpayment is fixed in statute. Sufficient documentation and medical necessity are longstanding and fundamental prerequisites to Medicare coverage and payment.

Comment: A commenter requested clarification of the meaning of ''entitled.'' The commenter stated that, once the statute of limitations has run on the government's ability to sue for breach of contract or recoupment, the provider has a vested right to the payment and is ''entitled'' to the funds. The commenter recommended that the final rule recognize that statutes of limitation, setoff, and other defenses may be considered in determining whether an overpayment exists.

Response: We believe that the statutory language clearly states that ''entitled'' means entitled under title XVIII or XIX of the Act. This final rule addresses payments under title XVIII and thus, Medicare entitlement depends upon whether the funds were received in conformance to the payment rules set forth in the Act and its implementing regulations. We do not opine on any theories for the government's pursuit of recovering overpayments, whether those theories are at law or equitable in nature. The purpose of this rule is to detail the providers and suppliers' obligations under section 1128J(d) of the Act to report and return overpayments they have received.

Comment: A number of commenters questioned the treatment of underpayments that providers and suppliers may identify in the course of identifying overpayments. Some commenters requested an explanation of the process by which providers and suppliers may recoup underpayments. Other comments proposed that providers and suppliers should be allowed to offset identified underpayments against identified overpayments when determining the repayment amount. Finally, several commenters suggested that the lookback period for overpaid claims should be the same as the lookback period for underpaid claims. Commenters suggested that we consider allowing providers and suppliers more than the currently allowed one year period to rebill a claim to correct an identified underpayment. Underpayment lookback periods of 3 years and 10 years (to match the proposed lookback period) were recommended by commenters.

Response: This final rule implements section 1128J(d) of the Act, which concerns overpayments, not underpayments. Thus, underpayment issues are outside the scope of this rulemaking. Under existing policies, providers and suppliers can seek to address underpayments by requesting reopenings under § 405.980(c).

Comment: Several commenters recommended that we ensure that refunded overpayments will be recorded and removed from the total amount paid by Medicare Part B for purposes of the sustainable growth rate formula (SGR).

Response: The Medicare Access and CHIP Reauthorization Act repealed the SGR. Overpayment refunds were recorded and removed from the total Medicare Part B expenditures for purposes of calculating the SGR, during the period for which the SGR was in effect under section 1848 of the Act.

Comment: Several commenters questioned whether providers and suppliers need to report and return Medicare secondary payer refunds under this final rule.

Response: Yes, overpayments where the provider or supplier received primary payment from both a primary payer other than Medicare and a primary payment from Medicare (''provider/supplier duplicate primary payments'') must be refunded. Overpayments where the provider/supplier failed to file a proper claim in accordance with 42 CFR 411.24(l) must also be refunded.

Comment: A commenter appreciated the clarification in the proposed rule that the statutory definition of person, for purposes of reporting and returning overpayments, does not include beneficiaries and encouraged CMS to finalize the proposed definition. Another commenter disagreed with the proposed rule's exclusion of beneficiaries from the ''person'' definition and requested an explanation for the exclusion.

Response: We appreciate the comment in support of the proposed definition and note that the proposed definition of ''person'' is in accordance with section 1128J(d)(4)(C)(ii) of the Act which excludes beneficiaries from the definition of the term ''person.''

C. Requirements for Reporting and Returning of Overpayments (Proposed § 401.305)

Section 1128J(d) of the Act provides that an overpayment must be reported and returned by the later of —(i) the date which is 60 days after the date on which the overpayment was identified; or (ii) the date any corresponding cost report is due, if applicable. Proposed § 401.305(b) contained this requirement. If an overpayment is claims related, the provider or supplier would be required

to report and return the overpayment within 60 days of identification.

1. Meaning of Identified (Proposed § 401.305(a))

In proposed § 401.305(a)(2), we stated that a person has identified an overpayment if the person has actual knowledge of the existence of the overpayment or acts in reckless disregard or deliberate ignorance of the overpayment. We stated in the preamble that we proposed this definition in part because section 1128J(d) of the Act provides that the terms ''knowing'' and ''knowingly'' have the meaning given those terms in the FCA (31 U.S.C. 3729(b)(1)). While the statutory text does not use these terms other than in the definitions, we believed the Congress' use of the term ''knowing'' in the Affordable Care Act was intended to apply to determining when a provider or supplier has identified an overpayment. We also stated that defining ''identification'' in this way gives providers and suppliers an incentive to exercise reasonable diligence to determine whether an overpayment exists. Without such a definition, some providers and suppliers might avoid performing activities to determine whether an overpayment exists, such as self-audits, compliance checks, and other research.

We also noted in the February 2012 proposed rule (77 FR 9182) that, in some cases, a provider or supplier may receive information concerning a potential overpayment that creates a duty to make a reasonable inquiry to determine whether an overpayment exists. If the reasonable inquiry reveals an overpayment, the provider or supplier then has 60 days to report and return the overpayment. On the other hand, failure to make a reasonable inquiry, including failure to conduct such inquiry with all deliberate speed after obtaining the information, could result in the provider or supplier knowingly retaining an overpayment because it acted in reckless disregard or deliberate ignorance of whether it received such an overpayment. For example, a provider that receives an anonymous compliance hotline telephone complaint about a potential overpayment may have incurred a duty to timely investigate that matter, depending on whether the hotline complaint qualifies as credible information of a potential overpayment. Whether the complaint qualifies as credible information is a factual determination. If the provider incurs a duty and diligently conducts the investigation, and reports and returns any resulting overpayments within the 60-day reporting and repayment period, then the provider would have satisfied its obligation under the proposed rule. However, if the provider fails to make any reasonable inquiry into the complaint, the provider may be found to have acted in reckless disregard or deliberate ignorance of any overpayment.

In order to assist providers and suppliers with understanding when an overpayment has been identified, we provided the following examples, which were intended to be illustrative and not an exhaustive list of circumstances:

- A provider of services or supplier reviews billing or payment records and learns that it incorrectly coded certain services, resulting in increased reimbursement.
- A provider of services or supplier learns that a patient death occurred prior to the service date on a claim that has been submitted for payment.
- A provider of services or supplier learns that services were provided by an unlicensed or excluded individual on its behalf.
- A provider of services or supplier performs an internal audit and discovers that overpayments exist.
- A provider of services or supplier is informed by a government agency of an audit that discovered a potential overpayment, and the provider or supplier fails to make a reasonable inquiry. (When a government agency informs a provider or supplier of a potential overpayment, the provider or supplier has a duty to accept the finding or make a reasonable inquiry. If the provider's or supplier's inquiry verifies the audit results, then it has identified an overpayment and, assuming there is no applicable cost report, has 60 days to report and return the overpayment. As noted previously, failure to make a reasonable inquiry, including failure to conduct such inquiry with all deliberate speed after obtaining the information, could result in the provider or supplier knowingly retaining an overpayment because it acted in reckless disregard or deliberate ignorance of whether it received such an overpayment).
- A provider of services or supplier experiences a significant increase in Medicare revenue and there is no apparent reason—such as a new partner added to a group practice or a new focus on a particular area of medicine—for the increase. However, the provider or supplier fails to make a reasonable inquiry into whether an overpayment exists. (When there is reason to suspect an overpayment, but a provider or supplier fails to make a reasonable inquiry into whether an overpayment exists, it may be found to have acted in reckless disregard or deliberate ignorance of any overpayment.)

Finally, we also discussed in the proposed rule (77 FR 9183) issues associated with overpayments that arise due to a violation of the Anti-Kickback statute (section 1128B(b)(1) and (2) of the Act). Compliance with the Anti-Kickback statute is a condition of payment. Claims that include items and services resulting from a violation of this law are not payable and constitute false or fraudulent claims for purposes of the FCA. In the proposed rule, we recognized that, in many instances, a provider or supplier is not a party to, and is unaware of the existence of, an arrangement between third parties that causes the provider or supplier to submit claims that are the subject of a kickback. For example, a hospital may be unaware that a device manufacturer has paid a kickback to a physician on the hospital's medical staff to induce the physician to implant the manufacturer's device in procedures performed at the hospital. Moreover, even if a provider or supplier becomes aware of a potential third party payment arrangement, it would generally not be able to evaluate whether the payment was an illegal kickback or whether one or both parties had the requisite intent to violate the Anti-Kickback statute.

For this reason, we stated that we believe that providers and suppliers who are not a party to a kickback arrangement are unlikely in most instances to have ''identified'' the overpayment that has resulted from the kickback arrangement; therefore would have no duty to report or repay it. To the extent that a provider or supplier who is not a party to a kickback arrangement has sufficient knowledge of the arrangement to have identified the resulting overpayment, we proposed that the provider or supplier report the overpayment to CMS in accordance with section 1128J(d) of the Act and corresponding regulations. Although the government may always seek repayment of claims paid that do not satisfy a condition of payment, where a kickback arrangement exists, HHS's enforcement efforts would most likely focus on holding accountable the perpetrators of that arrangement. Accordingly, we would refer the reported overpayment to OIG for appropriate action and would suspend the repayment obligation until the government has resolved the kickback matter (either by determining that no enforcement action is warranted or by obtaining a judgment, verdict, conviction, guilty plea, or settlement). Thus, if the provider has not identified the kickback or if it reported it when it did identify the kickback, our

expectation is that only the parties to the kickback scheme would be required to repay the overpayment that was received by the innocent provider or supplier, except in the most extraordinary circumstances.

Comment: Several commenters noted that section 1128J(d) of the Act has two separate provisions addressing overpayments and questioned whether the proposed rule conflated those provisions. Section 1128J(d)(1) of the Act creates the threshold obligation that if a person has received an overpayment, the person shall report and return the overpayment. Once that threshold obligation is triggered—receipt of the overpayment—then section 1128J(d)(2) of the Act addresses the timing of fulfilling the obligation to report and return, either the later of the date which is 60 days after the date on which the overpayment was identified or the date any corresponding cost report is due, if applicable. Commenters noted that the proposed rule may conflate these two, separate obligations in proposed 42 CFR 401.305(a)(1), which stated that if a person has identified that it has received an overpayment, the person must report and return the overpayment in the form and manner set forth in 42 CFR 401.305. Commenters stated that this proposed rule language tied the threshold obligation to identifying the overpayment and not to receiving the overpayment.

Response: We agree with the commenters and have amended § 401.305(a)(1) to separate these two concepts. Section 1128J(d)(1) of the Act plainly mandates that any overpayment received by a person shall be reported and returned. We interpret this language as showing the Congress intended to more clearly codify providers and suppliers' existing duty to return overpayments they have received, which would necessarily include taking appropriate actions to determine whether the provider or supplier has in fact received an overpayment. The ''receipt'' threshold obligation is consistent with both the initial standard for identification in the proposed rule and the standard for identification in this final rule. We do not believe the Congress intended to create a loophole to the threshold ''receipt'' obligation through the timing provision for fulfilling this obligation. Limiting the standard for identification to actual knowledge would create that loophole and would conflict with the plain statutory mandate to report and return any overpayments the person has received. In addition, we believe we have the responsibility under the Secretary's rulemaking authority to interpret the statute in an appropriate manner to create safeguards that protect the integrity of its plain mandate—to report and return overpayments the person has received.

Comment: Several commenters agreed with the proposed rule's definition of identification. Commenters stated that the proposed rule provides appropriate incentives for providers and suppliers to pay attention to red flags indicating a potential overpayment may have been received. These commenters believe providers and suppliers should be encouraged to proceed with diligence to investigate information suggesting an overpayment, to report, and take corrective actions, and adopt ''best practices'' to prevent overpayments. A commenter stated that adoption of this actual and constructive knowledge standard will promote consistency and will allow government and providers and suppliers to base their conduct and positions on case law interpreting those terms. Another commenter acknowledged the need for the reckless disregard/deliberate ignorance standard to deter evasive conduct and fraudulent concealment. However, the commenter requested that CMS further clarify this standard.

Response: We appreciate the comments and agree with the commenters' interpretation of the proposed rule. We continue to believe that the proposed standard is an appropriate interpretation of section 1128J(d) of the Act within the Secretary's rulemaking authority. As explained in this final rule, we have adjusted the standard for identification after careful consideration of the numerous comments submitted. We believe that the final rule strikes the right balance between creating a flexible yet strong standard that applies to many different circumstances.

Comment: Many commenters objected to the proposed inclusion of reckless disregard and deliberate ignorance in the standard for identification. These commenters claimed that there is no statutory basis to apply a standard beyond actual knowledge to the term ''identified.'' Specifically, commenters disagreed with our statement in the preamble that the Congress' use of the term ''knowing and knowingly'' in section 1128J(d)(4)(A) of the Act indicates the Congress' intent to apply a constructive knowledge standard to ''identified.'' Commenters noted that these terms are not used elsewhere in section 1128J(d) of the Act except the definition section. Commenters attributed section 1128J(d)(4)(A) of the Act as a drafting error based on the House version of the Affordable Care Act, H.R. 3962, which used the term ''knows.'' According to commenters, the replacement of the word ''knows'' with ''identified'' in the final version of the Affordable Care Act is indicative of Congressional intent not to equate the FCA knowledge standard to ''identified.'' The commenters argue that had the Congress intended to apply the statute this expansively, it would have drafted the provision to extend liability to those who fail to report and return an overpayment within 60 days of the date on which the overpayment was identified or should have been identified.

Response: We disagree with the commenters' arguments. While we acknowledge that the terms ''knowing'' and ''knowingly'' are defined but not otherwise used in section 1128J(d) of the Act, we believe that the Congress intended for section 1128J(d) of the Act to apply broadly. If the requirement to report and return overpayments only applied to situations where providers or suppliers had actual knowledge of the existence of an overpayment, then these entities could easily avoid returning improperly received payments and the purpose of the section would be defeated.

Comment: Several commenters suggested applying the ''knowing'' concept to ''retained'' instead of our proposed approach. Commenters believed that applying the constructive knowledge standard to trigger the enforcement provisions would be more appropriate than our proposal.

Response: We considered applying a constructive knowledge standard to the term ''retained'' and determined that our approach was both a better reading of the law and a better approach to protecting the program. As discussed previously, we believe there is a strong statutory basis for our rule. Also, modifying ''retained'' does not eliminate the programmatic concern of the ''ostrich defense''—that the plain mandate to report and return overpayments received would be avoided by not taking action to obtain actual knowledge of an overpayment. The enforcement provision at section 1128J(d)(3) of the Act depends on the person retaining the overpayment after the deadline for reporting and returning. If the deadline never passes because the person avoids obtaining actual knowledge of the overpayment, then the enforcement provision is rendered toothless.

Comment: Commenters also expressed concern that ''reckless disregard'' and ''deliberate ignorance'', as used in proposed § 401.305(a)(2), are

ambiguous terms that do not adequately inform providers and suppliers of the circumstances that would give rise to a duty to investigate and fail to provide sufficient guidance as to what efforts are necessary to avoid overpayment liability. Some commenters stated that the proposed rule actually provides a disincentive to undertake compliance audits for fear of creating liability for identifying an overpayment.

Response: We appreciate the comments and have revised the regulatory provision in the final rule by removing the terms ''actual knowledge'', ''reckless disregard'', and ''deliberate ignorance''. The final rule states that a person has identified an overpayment when the person has, or should have through the exercise of reasonable diligence, determined that the person has received an overpayment and quantified the amount of the overpayment. A person should have determined that the person received an overpayment if the person fails to exercise reasonable diligence and the person in fact received an overpayment. ''Reasonable diligence'' includes both proactive compliance activities conducted in good faith by qualified individuals to monitor for the receipt of overpayments and investigations conducted in good faith and in a timely manner by qualified individuals in response to obtaining credible information of a potential overpayment.

The regulation uses a single term—reasonable diligence—to cover both proactive compliance activities to monitor claims and reactive investigative activities undertaken in response to receiving credible information about a potential overpayment. We believe that compliance with the statutory obligation to report and return received overpayments requires both proactive and reactive activities. In addition, we also clarify that the quantification of the amount of the overpayment may be determined using statistical sampling, extrapolation methodologies, and other methodologies as appropriate.

As to the circumstances that give rise to a duty to exercise reasonable diligence, we are not able to identify all factual scenarios in this rulemaking. Providers and suppliers are responsible for ensuring their Medicare claims are accurate and proper and are encouraged to have effective compliance programs as a way to avoid receiving or retaining overpayments. Indeed, many commenters told us that they have active compliance programs and that we should recognize these compliance efforts in the final rule. It was also apparent from some commenters that they do not currently engage in compliance efforts to ensure that the claims they submitted to Medicare were accurate and proper and that payments received are appropriate. We advise those providers and suppliers to undertake such efforts to ensure they fulfill their obligations under section 1128J(d) of the Act. We believe that undertaking no or minimal compliance activities to monitor the accuracy and appropriateness of a provider or supplier's Medicare claims would expose a provider or supplier to liability under the identified standard articulated in this rule based on the failure to exercise reasonable diligence if the provider or supplier received an overpayment. We also recognize that compliance programs are not uniform in size and scope and that compliance activities in a smaller setting, such as a solo practitioner's office, may look very different than those in larger setting, such as a multi-specialty group. Compliance activities may also appropriately vary based on the type of provider.

We note that in discussing the standard term ''reasonable diligence'' in the preamble, we are interpreting the obligation to ''report and return the overpayment'' that is contained in section 1128J(d) of the Social Security Act. We are not seeking to interpret the terms ''knowing'' and ''knowingly'', which are defined in the Civil False Claims Act and have been interpreted by a body of False Claims Act case law.

Comment: Several commenters stated that they interpreted the preamble to the proposed rule as permitting providers and suppliers time to conduct a reasonable inquiry before the 60-day time period begins to run. These commenters noted that the preamble provides that providers and suppliers may receive information concerning a potential overpayment that creates a duty to conduct a reasonable inquiry to determine whether an overpayment exists. If the reasonable inquiry reveals an overpayment, then the provider has 60 days to report and return the overpayment. On the other hand, failure to make a reasonable inquiry, including failure to conduct such inquiry with all deliberate speed after obtaining the information, could result in the provider or supplier knowingly retaining an overpayment because it acted in reckless disregard or deliberate ignorance of whether it received such an overpayment. Commenters stated that this explanation and the examples in the preamble together suggested that once a provider is placed on notice of a potential overpayment, it must conduct a reasonably diligent inquiry under the circumstances and the 60-day period does not start until either the inquiry reveals an overpayment or the provider or supplier is reckless or deliberately ignorant because it failed to conduct the reasonable inquiry. Commenters requested that we clarify whether this interpretation was accurate.

Response: We agree with the commenters' interpretation of the proposed rule and have revised § 401.305(a) and (b) in this final rule to clarify the duty to investigate through a reasonable diligence standard. When a person obtains credible information concerning a potential overpayment, the person needs to undertake reasonable diligence to determine whether an overpayment has been received and to quantify the amount. The 60-day time period begins when either the reasonable diligence is completed or on the day the person received credible information of a potential overpayment if the person failed to conduct reasonable diligence and the person in fact received an overpayment.

Comment: Commenters questioned how quantification of the overpayment fit into the proposed rule. Specifically, commenters stated that the proposed rule did not expressly address the difference between determining that an overpayment has been received and the auditing work necessary to calculate the overpayment amount. Commenters stated that the calculation necessarily must happen before the overpayment can be reported and returned.

Response: We agree and have revised the language in § 401.305(a)(2) to clarify that part of identification is quantifying the amount, which requires a reasonably diligent investigation.

Comment: Commenters expressed concern over whether the proposed rule treats failing to conduct a ''reasonable inquiry'' with ''all deliberate speed'' as a violation of section 1128J(d) of the Act by itself. In other words, commenters questioned whether the mere possibility of an overpayment, without there actually being an overpayment, can establish liability at any point.

Response: We understand the commenters' concerns and have amended the language accordingly. The final rule clarifies that failure to conduct reasonable diligence does not by itself create liability under section 1128J(d) of the Act. The statutory obligation is to report and return received overpayments; thus a provider or supplier must also have received an overpayment that it should have identified before liability can exist under section 1128J(d) of the Act.

Comment: Several commenters requested clarity on the phrase ''reasonable inquiry.'' Some commenters suggested defining ''reasonable inquiry'' as a good faith investigation that is promptly conducted until its conclusion by persons with sufficient knowledge and experience to make such determination.

Response: We appreciate the commenters' suggestions and amended the final rule as described in this section by creating a ''reasonable diligence'' standard in § 401.305(a)(2). We also appreciate the commenters' suggested definition and incorporated various suggestions into our discussion of what constitutes ''reasonable diligence,'' as explained previously in this section. We also note that although the preamble to the proposed rule used both ''reasonable diligence'' and ''reasonable inquiry,'' for clarity, we used only the term ''reasonable diligence'' in this final rule.

Comment: Commenters suggested that we provide more detail on how to judge what is ''reasonable'' about a reasonable inquiry, such as taking into account the unique characteristics of the provider or supplier and the nature of the problem. Accordingly, commenters suggested defining ''reasonable inquiry'' as ''reasonably diligent under the circumstances, taking into account the size, capacity, workload, technological sophistication, and resources of the subject provider or supplier and the complexity, uniqueness, and significance of the suspected overpayment at issue.'' In addition, commenters recommended that we provide a list of illustrative hallmarks of a reasonable inquiry, but also stated that some of these hallmarks will be fact-dependent.

Response: We appreciate the comments and believe we have provided additional explanation of the meaning of ''reasonable diligence'' in this final rule. However, we decline to expressly adopt the commenters' proposed definitions and suggestions. We believe that the concept of ''reasonableness'' is fact-dependent.

Comment: A number of commenters requested clarification on the meaning of ''all deliberate speed'' a phrase used in the preamble to the proposed rule. Commenters stated that we effectively established a time limit for preliminary action before the 60-day clock began to toll, yet did not clearly state what this time limit is or what a person must do to meet it. Commenters stated that the proposed rule was not clear about how to determine whether an ongoing investigation occurred with ''all deliberate speed.'' Commenters noted that in many circumstances, multiple people will be involved in determining whether an overpayment exists and in what amount, such as auditors, billing personnel, and legal counsel. Commenters believed we should issue additional guidance in the final rule, particularly what documentation we expect providers and suppliers to maintain to show compliance with the rule. Some commenters suggested that we adopt an approach that would allow for a ''reasonable period of time to investigate'' a potential overpayment. Other commenters pointed to the Federal Acquisitions Regulations (FAR) treatment of the time between first learning of an allegation and the requirement to disclose credible evidence of an overpayment. The commenters noted that the FAR drafters considered but rejected adding a set period of time, such as 30 days, to the disclosure requirement. (See the November 12, 2008 final rule (73 FR 67074).) Under FAR, failure to timely disclose credible evidence of significant overpayment is measured from the date of the determination by the contractor that the evidence is credible. (See the November 12, 2008 final rule (73 FR 67075).) A few commenters requested additional time to conduct the inquiry in the event of an emergency, such as a natural disaster affecting the provider or supplier.

Response: The preamble to this final rule does not include the phrase ''all deliberate speed'' as the benchmark of compliance. Instead, we adopt the standard of reasonable diligence and establish that this is demonstrated through the timely, good faith investigation of credible information, which is at most 6 months from receipt of the credible information, except in extraordinary circumstances. We considered but rejected adopting a ''reasonable period of time to investigate'' standard because we concluded that an open-ended timeframe would likely be viewed as no more clear than ''all deliberate speed'' and establishing a time frame would better respond to commenters' concerns on this issue. We choose 6 months as the benchmark for timely investigation because we believe that providers and suppliers should prioritize these investigations and also to recognize that completing these investigations may require the devotion of resources and time. Receiving overpayments from Medicare is sufficiently important that providers and suppliers should devote appropriate attention to resolving these matters. A total of 8 months (6 months for timely investigation and 2 months for reporting and returning) is a reasonable amount of time, absent extraordinary circumstances affecting the provider, supplier, or their community. What constitutes extraordinary circumstances is a fact-specific question. Extraordinary circumstances may include unusually complex investigations that the provider or supplier reasonably anticipates will require more than six months to investigate, such as physician self-referral law violations that are referred to the CMS Voluntary Self-Referral Disclosure Protocol (SRDP). Specific examples of other types of extraordinary circumstances include natural disasters or a state of emergency.

As for documentation, it is certainly advisable for providers and suppliers to maintain records that accurately document their reasonable diligence efforts to be able to demonstrate their compliance with the rule.

Comment: Several commenters recommended that CMS define identification as actual knowledge of credible evidence that an overpayment has occurred and of the actual amount received in excess of what was due. Commenters stated that ''credible evidence'' is a well-understood concept; that is, information that, considering its source and the circumstances, supports a reasonable belief that there has been an overpayment. The credible evidence standard differs from a credible ''allegation'' because, according to commenters, it requires some level of diligence to determine whether the information is credible.

Response: We appreciate the comments but decline to adopt this definition of ''identification.'' It limits the obligation to instances in which the provider or supplier has actual knowledge, which, as discussed previously, we do not believe is consistent with section 1128J(d) of the Act. As discussed previously, we have clarified that providers and suppliers may conduct a timely investigation of credible information before the 60-day deadline is triggered. We also decline to adopt a ''credible evidence'' standard because we are concerned there may be further confusion about the term ''evidence'' because of its significance in the litigation context. Instead, as noted previously, we have adopted a ''credible information'' standard. We believe credible information includes information that supports a reasonable belief that an overpayment may have been received. This standard should address commenters' concern of being required to investigate every instance or complaint concerning a potential overpayment. We recognize that providers and suppliers may receive

information that could be considered not credible. Determining whether information is sufficiently credible to merit an investigation is a fact-specific determination.

Comment: Several commenters suggested an alternative definition to identification as ''when, after the person receives reliable evidence (as defined at 42 CFR 405.902) that it has received an overpayment and, through the exercise of reasonable diligence has determined that an overpayment exists, the person has quantified the amount of the overpayment within a reasonable degree of certainty.'' Commenters stated that such a standard would provide some degree of comfort that providers and suppliers would not be under a duty to investigate every ''whiff'' of an overpayment and removes the constructive knowledge standard. Commenters also stated this definition would acknowledge that an overpayment cannot be reported and returned if it is not quantified, as well as the circumstances, such as when statistical sampling and extrapolation are used, when it may not be possible to know with 100 percent accuracy the exact amount of an overpayment. These commenters stated that it also acknowledges that in some circumstances providers and suppliers may need more time to commence an inquiry. Other commenters suggested a similar alternative ''when the person has actual knowledge of an overpayment and is able to quantify the overpayment with reasonable certainty, or when a person does not initiate an inquiry within a reasonable amount of time after receiving credible information suggesting the existence of a potential overpayment.''

Response: We appreciate the comments and incorporated some of these ideas into the final rule. We agree that statistical sampling and extrapolation are an appropriate component of a provider's reasonable diligence in investigating an overpayment and can serve as an appropriate way to calculate an overpayment amount. The final rule provides guidance for reporting overpayments identified through such statistical methods. We also use the term ''credible information'' in the preamble as suggested in these comments. We considered but declined to adopt the term ''reliable evidence'' as defined at 42 CFR 405.902 because it is potentially too limited and the term ''evidence'' is prone to confusion as ''credible evidence'' discussed previously. Finally, we also disagree with the commenters' proposals to the extent they suggest identification efforts are limited to reactive investigations (and do not include the proactive compliance activities necessary to monitor for receipt of overpayments) or actual knowledge (and do not include the constructive knowledge standard discussed previously).

Comment: Commenters stated that the 60-day time period should start to run on the day that an overpayment inquiry has concluded, confirmed that there has been an overpayment, and produced sufficient information to calculate the precise overpayment amount. Commenters stated that this standard would avoid confusion about when to report.

Response: We recognize that additional clarity was necessary and revised the final rule to clarify that the 60-day time period starts to run when the overpayment has been identified based on the standard for identified in § 401.305(a)(2). These commenters do not appear to take into account statistical sampling and extrapolation calculations, which is something other commenters suggested that we recognize. As discussed previously, we also interpret section 1128J(d) of the Act to include both an actual knowledge and a constructive knowledge standard.

Comment: Commenters questioned how we proposed determining the actual date for triggering the 60-day reporting and returning deadline and for when a person acts in reckless disregard or deliberate ignorance of an overpayment. Commenters suggested that we provide clear guidance as to what actions a provider or supplier must take to avoid a determination that it is in reckless disregard or deliberate ignorance of the existence of an overpayment.

Response: We believe the final rule provides additional clarity on how we revised the constructive knowledge standard for when a person has identified an overpayment. The 60-day time period begins either when the reasonable diligence is completed and the overpayment is identified or on the day the person received credible information of a potential overpayment if the person fails to conduct reasonable diligence and the person in fact received an overpayment. This standard, as well as the requirement to conduct a timely, good faith investigation in response to obtaining credible information of a potential overpayment, provide ''bright line'' standards that should assist providers and suppliers in structuring their compliance programs to comply with the rule.

Comment: Several commenters questioned whether, after finding a single overpaid claim, it is appropriate to inquire further to determine whether there are more overpayments on the same issue before reporting and returning the single overpaid claim. Expanding the inquiry may take additional time and, according to commenters, it is unclear whether the 60-day time period has begun to run for the single overpaid claim. Similarly, several commenters also questioned whether compliance with the rule required periodic repayments while the person is conducting the review. For example, commenters noted that a provider or supplier may conduct a probe sample of claims and discover a possible overpayment with respect to some of the claims. Commenters questioned whether in this situation the provider or supplier has identified an overpayment that would require reporting and returning the overpayment for the probe sample claims, even though the probe sample review is typically one step in the usual audit process. According to commenters, validation of the probe sample findings would then lead to expanding the audit beyond the probe sample and conducting a root cause analysis to determine the cause of the overpayment and whether more overpayments exist. Commenters stated that it is a common practice to include the probe sample in the expanded audit to extrapolate an error rate to the entire population. Commenters stated that permitting this practice would result in a more robust analysis of the overpayment and a more accurate repayment to the government. The premature return of any overpayment identified during the probe sample audit could taint the results of the complete review, according to commenters.

Response: We understand the commenters' concerns and believe that the final rule's clarifications should address these concerns. We expect providers and suppliers to exercise reasonable diligence and to quantify, report, and return the entire overpayment in good faith. Part of conducting reasonable diligence is conducting an appropriate audit to determine if an overpayment exists and to quantify it. Providers and suppliers are obligated to conduct audits that accurately quantify the overpayment. After finding a single overpaid claim, we believe it is appropriate to inquire further to determine whether there are more overpayments on the same issue before reporting and returning the single overpaid claim. To the extent this concern is based on a question about when the 60-day clock begins to run, the final rule clarifies that identification

occurs once the person has or should have through the exercise of reasonable diligence, determined that the person received an overpayment and quantified the amount of the overpayment.

We understand that a common way to conduct an audit is to use a probe sample and then incorporate that probe sample into a larger full sample as the basis for determining an extrapolated overpayment amount. In the probe sample, it is not appropriate for a provider or supplier to only return a subset of claims identified as overpayments and not extrapolate the full amount of the overpayment. We believe that in most cases, the extrapolation can be done in a timely manner consistent with the identification requirements of this rule and that the provider or supplier should not report and return overpayments on specific claims from the probe sample until the full overpayment is identified.

Comment: Some commenters requested clarification that a provider or supplier with an active and robust compliance program that contains the elements suggested by OIG's compliance program guidance and the Federal Sentencing Guidelines cannot be found to have acted with ''reckless disregard or deliberate ignorance'' with respect to overpayments. Some commenters suggested that a provider that has a ''certified'' or ''approved'' compliance program should be entitled to a presumption that any overpayments are simple mistakes rather than fraud or abuse.

Response: We disagree with the commenters. Based on our experience, it is possible for providers or suppliers who have active compliance programs to commit fraud. Moreover, even if an overpayment is the result of a mistake, rather than fraud or abuse, the provider or supplier has an obligation to report and return it under section 1128J(d) of the Act.

Comment: Commenters expressed concerns that the proposed rule's constructive knowledge standard for ''identified'' introduces a subjective standard that would lead to the 60-day clock beginning to run on a date that a person ''should have known'' about an overpayment, although it actually had no knowledge at all. For example, if a health care entity accidentally programs its computers incorrectly, and as a result, erroneously bills and is paid for a service, commenters questioned whether the addition of the ''reckless disregard'' standard suggests that one could argue that the company should have been aware of the error, and therefore is liable for a false claim, even if the company has a robust compliance program that fails to uncover the error. Commenters believe that the proposed definition of ''identified'' raises the possibility that CMS, other regulators, or qui tam relators may second-guess the provider and question whether the provider exercised ''reasonable diligence'' and made a ''reasonable inquiry'' ''with all deliberate speed'' in assessing when an overpayment should have been identified.

Response: We understand commenters' concerns and believe the changes made to the proposed rule in this final rule should provide additional clarity for providers and suppliers on the actions they need to take to comply with the rule. With regard to the commenters concern that as a result of this final rule CMS, other regulators, or qui tam relators may second-guess the provider and question whether the provider exercised ''reasonable diligence'' and made a ''reasonable inquiry'' ''with all deliberate speed,'' we note that it has long been true that many activities in the provision of health care, including billing the Medicare program, are subject to review by various stakeholders. This rule does not change that situation or significantly expand the areas that have long been subject to such review.

Comment: Several commenters expressed concerns with our statement in the preamble that we defined ''identification'' as an incentive to exercise reasonable diligence to determine whether an overpayment exists and that without such a definition, some providers and suppliers might avoid performing activities to determine whether an overpayment exists, such as self-audits, compliance checks, and other additional research. Commenters believed this statement appeared to disregard the compliance activities of many in the health care industry and indicated that CMS did not believe providers and suppliers would engage in compliance activities without increased liability. The commenters recognized the legitimate need for this rule to not permit avoiding the report and return obligation when there is some indication of a potential overpayment simply by avoiding additional investigatory work to obtain actual knowledge. Commenters stated that voluntary compliance programs already follow this basic duty to investigate and recommended a parallel, narrowly drawn duty to investigate when there is credible evidence of the existence of an overpayment. According to commenters, this standard could apply to a variety of fact patterns, including, compliance hotline communications, internal statistical analyses identifying potential payment discrepancies, and issues raised by staff. Commenters believed this approach would satisfy our stated concern, while imposing a more reasonable administrative burden.

Response: We appreciate the commenters' concerns but decline to limit the constructive knowledge standard in the final rule to receipt of information as discussed previously. We note that certain types of information noted by commenters, such as internal statistical analyses, require some proactive action on the part of the provider or supplier to obtain that information. We are concerned that limiting the standard for identified to instances in which the provider or supplier is simply receiving information may create a disincentive for providers and suppliers to undertake those important proactive compliance activities to ensure they have properly received Medicare payments. We understand that many providers and suppliers have active compliance programs that do both proactive and reactive reviews of Medicare billing. Our intention is to capture both of those activities in this final rule.

Comment: Several commenters requested that CMS clarify that there is no duty to proactively search for overpayments without a reason to believe that a specific overpayment exists. These commenters stated that the preamble language suggests that providers and suppliers have a perpetual duty to research whether any overpayment may exist, which would be overly burdensome and not consistent with the requirements of section 1128J(d) of the Act. A commenter stated that the compliance program regulations implementing section 6401 of the Affordable Care Act may be a more appropriate mechanism for CMS to propose these requirements.

Response: These comments underscore our concern expressed in the proposed rule that some providers and suppliers might avoid performing activities to determine whether an overpayment exists. As discussed earlier, section 1128J(d) of the Act requires a person to report and return overpayments they have received. Thus, providers and suppliers have a clear duty to undertake proactive activities to determine if they have received an overpayment or risk potential liability for retaining such overpayment.

Comment: Some commenters objected to the example of an identified overpayment concerning a provider learning of services provided by an unlicensed or excluded individual. The commenter believed that such a

scenario does not automatically imply that an overpayment has occurred, but that an investigation must be conducted to determine if there is a regulatory or legal nexus between the individual's licensure or exclusion and the reimbursement.

Response: We understand the commenters' belief that the example given doesn't automatically imply than an overpayment has occurred. Billing for items or services furnished by an unlicensed or excluded person can result in receiving an overpayment. Part of determining whether an overpayment has been received in this situation is investigating the relevant facts about the activities of the unlicensed or excluded individual and reviewing the relevant laws, regulations, and billing rules.

Comment: A commenter suggested adding to the list of examples where no reasonable inquiry occurred after learning that the profits from a practice or physician were unusually high in relation to hours worked or the relative value units associated with the work.

Response: We agree that this situation could constitute credible information that would require a provider or supplier to conduct reasonable diligence. As we stated earlier, the list of examples is illustrative only and not a comprehensive list. We are unable to address all possible factual permutations in this rulemaking.

Comment: Several commenters questioned how a hotline complaint could create a duty to conduct a reasonable inquiry. A hotline complaint is made by employees or other sources and is typically used to raise allegations of improper conduct or something that may need to be investigated.

Response: Hotline complaints received by a provider or supplier may qualify as credible information of a potential overpayment under this rule, which would require the provider or supplier to exercise reasonable diligence to determine if an overpayment has occurred. Whether a hotline complaint qualifies as credible information is a factual determination. For example, receiving repeated hotline complaints about the same or similar issues may lead a reasonable person to conclude that they have received credible information that obligates conducting reasonable diligence. However, one hotline complaint may be detailed enough to lead a reasonable person to the same conclusion.

Comment: Several commenters questioned to whom within an organization CMS would attribute knowledge of the overpayment. Commenters suggested that CMS clarify that it must be a senior official who has confirmed the overpayment before ''knowledge'' can be attributed to the organization.

Response: We disagree with the commenters. As a general matter, organizations are responsible for the activities of their employees and agents at all levels.

Comment: Some commenters requested confirmation that a valid report of an overpayment bars any substantive liability under the FCA qui tam provisions. Commenters suggested that the reporting of the overpayment should result in a ''public disclosure.'' Other commenters requested clarification on the proposed rule's interaction with reverse FCA liability. Commenters suggested that a failure to report and return an identified overpayment should not lead to reverse FCA liability, unless the provider ''knowingly concealed'' or ''knowingly and improperly avoided'' the obligation. Other commenters stated that the proposed rule inappropriately applies the FCA, specifically the ''reverse false claims'' cause of action, to honest mistakes or inadvertent overpayments.

Response: We are interpreting section 1128J(d) of the Act in this rulemaking, not the FCA. In this rule, our discussion of the FCA is limited to its explicit inclusion in the enforcement provision under section 1128J(d) of the Act, which states that any overpayment retained by a person after the deadline for reporting and returning the overpayment under this rule is an obligation for purposes of the FCA.

Comment: Several commenters requested clarification about the level of resources a small provider or supplier is expected to devote to investigating potential overpayments in order to avoid being liable based on a theory of ''reckless disregard'' or ''deliberate ignorance.'' Some commenters expressed concern that resources might be diverted from patient care in order to ensure compliance with this rule. Commenters requested that CMS provide compliance guidance on how to develop compliance plans and conduct self-audits for small providers and suppliers and recommended that this guidance be coordinated with the rulemaking related to sections 6102 and 6401 of the Affordable Care Act.

Response: We understand the concern of smaller providers and suppliers. However, we are unable to provide specific guidance on resource levels or other measures to ensure compliance with this rule. Providers and suppliers, large and small, have a duty to ensure their claims to Medicare are accurate and appropriate and to report and return overpayments they have received. We have produced a number of educational materials, including the Medicare Learning Network®, which are available on our Web site, *http://www.cms.gov.*[2] OIG has also produced a number of compliance educational materials that are available on its Web site, *http://www.oig.hhs.gov.*[3]

Comment: A commenter acknowledged that while a significant increase in Medicare revenue could be an example of an identified overpayment for some types of providers, it might be inapplicable to other types of providers. Specifically, the commenter explained that laboratories are not in a position to determine the medical necessity of the services they provide because they do not order the tests. The commenter suggested that the final rule clarify that laboratories and other providers that do not directly order tests or services be exempt from any requirement to proactively conduct an inquiry into whether an overpayment exists based on the volume of Medicare work it conducts.

Response: We disagree with the commenter. All providers and suppliers have a duty to ensure that the claims they submit to Medicare are accurate and appropriate. There may be situations where a significant increase in Medicare revenue should lead a laboratory to conduct reasonable diligence.

Comment: A commenter expressed concern regarding the proposed rule's effect on hospitalists. The commenter explained that hospitalists have very little contact with the payment process because they are employed by a hospital or physician group and typically assign their Medicare payments to their employer.

Response: For purposes of this rule, an entity to which a provider or supplier has reassigned Medicare payments has a duty to determine whether it has received overpayments associated with that provider or supplier. Additionally, although the entity to which payments were reassigned has a duty to determine if it has received any overpayments, this does not mean that the individual who has reassigned his or her payments might not, in certain circumstances, also be responsible for the overpayment. This will be a fact-specific determination regarding the individual's

[2] A current, more direct link: *https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNGenInfo/index.html?redirect=/mlngeninfo.*

[3] A current, more direct link: *http://oig.hhs.gov/compliance/.*

knowledge of the circumstances leading to the overpayment.

Comment: Several commenters stated that the proposed rule is inconsistent with the limitation on liability provision in section 1879 of the Act (42 U.S.C. 1395pp), in situations where the provider did not know and could not reasonably have been expected to know that the payment would not be made.

Response: We disagree with the commenters. Determinations by the Secretary with respect to liability for non-covered items or services under section 1879 of the Act are independent from the obligations of providers and suppliers under section 1128J(d) of the Act to report and return overpayments received by a provider or supplier. Section 1879 determinations are decisions by CMS about whether to make payment not withstanding certain other provisions in Title XVIII and assignment of financial responsibility for denied items or services when payment may not be made. When CMS has made such a determination that payment must be made for certain denied items or services, the resulting payment would not be an overpayment under section 1128J(d) of the Act. Moreover, determinations in accordance with section 1879 of the Act are CMS determinations; section 1879 of the Act is not applicable to the provider's or supplier's own assessment of whether funds are an overpayment. We believe it is inappropriate for providers or suppliers to make determinations regarding their own knowledge of non-coverage or whether they were the cause of an overpayment in lieu of reporting and returning an identified overpayment as required by this rule.

Comment: A number of commenters suggested including the reasonable inquiry issues in the regulatory text for clarity. Commenters noted that these issues were only discussed in the preamble and not noted in the regulatory text.

Response: We have included the reasonable diligence language in the regulatory text at § 401.305(a)(2).

Comment: Several commenters requested clarification as to how the regulations will apply to providers or suppliers who receive a possible overpayment as the result of a scheme that violates the Anti-Kickback Statute and the provider or supplier was not a party to the scheme. Commenters stated that providers or suppliers receiving a payment with no knowledge of a kickback arrangement should not be held responsible for identifying and returning the resulting overpayment. Commenters also stated that there should be no affirmative duty on innocent providers and suppliers to report a suspicion of a kickback arrangement. A commenter proposed that ''sufficient knowledge'' of a kickback should mean ''actual knowledge of the existence of the kickback or acts in reckless disregard or deliberate ignorance of the kickback.'' Additionally, some commenters suggested that the government has no right to recover ''tainted'' claims made to an innocent party that were the result of a kickback arrangement and that no overpayment exists if the provider is without fault. Comments also requested further explanation of the extraordinary situations in which the government would seek recovery from an innocent provider.

Response: As stated in the proposed rule and elsewhere in this final rule, providers and suppliers who are not a party to a kickback arrangement are unlikely in most instances to have ''identified'' an overpayment that has resulted from the kickback arrangement and would therefore have no duty to report or return it. To the extent that a provider or supplier who has received an overpayment resulting from a kickback arrangement and is not a party to a kickback arrangement but has sufficient knowledge of the arrangement to have identified the resulting overpayment, the provider or supplier must report the overpayment to CMS. However, we decline to adopt the suggested definition of ''sufficient knowledge.'' It is possible that a provider or supplier may obtain information that indicates that an arrangement may violate the Anti-Kickback Statute.

We would refer the reported overpayment and potential kickback arrangement to OIG for appropriate action and would suspend the repayment obligation until the government has resolved the kickback matter (either by determining that no enforcement action is warranted or by obtaining a judgment, verdict, conviction, guilty plea, or settlement). Our expectation is that only the parties to the kickback scheme would be required to repay the overpayment that was received by the innocent provider or supplier, except in extraordinary circumstances. As these issues are fact-specific, we are unable to speculate as to what facts would need to be present to qualify as extraordinary circumstances.

Comment: A commenter suggested creating additional exceptions for reporting and returning overpayments for other ''innocent provider'' situations for errors made by a third party billing company or overpayments resulting from the provider or supplier being a victim of identity theft.

Response: Providers and suppliers are responsible for the actions of their agents, including third-party billing companies. We understand that providers and suppliers are concerned that they may become victims of identity theft. Providers and suppliers should report any identity theft to law enforcement and CMS and should wait for instructions from CMS concerning returning the overpayment.

Comment: Several commenters requested clarification on the overpayment example concerning receiving a significant increase in Medicare revenue for no apparent reason and failing to make reasonable inquiry. Commenters requested guidance on what is significant. Some commenters requested that a ''significant increase'' in Medicare revenue be defined as a 25 percent increase in Medicare revenue or alternatively, allow a neutral third-party to decide when there is a ''significant increase.''

Response: We decline to adopt the commenters' suggestions and will not define the term ''significant increase.'' As stated earlier, we are unable to make blanket statements or address every factual permutation in this rulemaking. Providers and suppliers should analyze the facts and circumstances present in their situation to determine whether they have credible information that a potential overpayment exists. As discussed earlier in this section, providers and suppliers are required to exercise reasonable diligence to determine whether they have received an overpayment when there is credible information of a potential overpayment.

Comment: Commenters raised concerns about the potential for a provider or supplier to refund overpayments and that those refunded claims may become the subject of an audit by a Medicare contractor, such as a Medicare Recovery Contractor, or the OIG in the future. A commenter requested that CMS clarify that Medicare contractors should take appropriate steps to remove any claims that are the subject of an overpayment refund from the claims data warehouse so that the claims are not later subject to contractor or OIG review and recoupment for similar issues.

Response: We understand the commenters' concerns and believe that our adjustments to the process for reporting and returning overpayments discussed in section II.C.4. of this final rule address those concerns. If providers and suppliers report and return overpayments for specific claims, then

the MAC can adjust those claims. If providers and suppliers report and return using statistical sampling and extrapolation, then it is only possible to adjust the specific erroneous claims found in the sample. In this situation, providers and suppliers should retain their audit and refund documentation in the event that a Medicare contractor or the OIG audits claims that the provider or supplier believes have been previously refunded. While we will not recover an overpayment twice, we do not intend to exempt from subsequent audit by CMS, a CMS contractor or the OIG any claims that form the basis for a returned overpayment.

Comment: Some commenters stated that CMS should clarify that the obligation to report and return overpayments begins at the conclusion of a contractor or government audit, after the provider is presented with results.

Response: This rule addresses the relevant person's responsibility to report and return overpayments it has received and identified based on its own proactive analysis or any other means of identification. There are many ways, other than a government audit, that a person can identify an overpayment. Receiving the results of a contractor or government audit is an example of credible information of a potential overpayment that requires the provider or supplier to conduct reasonable diligence to confirm or contest the audit's findings.

Comment: Some commenters requested clarification that the fact that a contractor or the government determines that a claim constitutes an overpayment does not automatically mean that the provider or supplier should have reported and returned the overpayment at an earlier time.

Response: As previously discussed, the threshold obligation in section 1128J(d) of the Act is that providers and suppliers shall report and return overpayments. For a claims-based overpayment, that obligation must be fulfilled within 60 days of identifying the overpayment. Section 401.305(a)(2) states that a person has identified an overpayment when the person has or should have determined, through the exercise of reasonable diligence, that the person has received an overpayment and has quantified the amount of the overpayment. Whether a particular provider or supplier has satisfied this standard in a particular circumstance is a fact-based inquiry.

Comment: Other commenters requested clarification that a provider's obligation to inquire about potential overpayments extends only to the results of the contractor or government audit and not to other similar potential overpayments.

Response: We agree that when receiving the results of a contractor or government audit, the scope of the duty to conduct reasonable diligence is defined by the issues that the contractor or government audited. However, providers and suppliers will need to review the specific facts and circumstances, including the billing and coverage rules, to determine the required scope of their reasonable diligence. Also, the contractor or government audit may be for a limited time period. If the provider or supplier confirms the audit's findings, then the provider and supplier may have credible information of receiving a potential overpayment beyond the scope of the audit if the practice that resulted in the overpayment also occurred outside of the audited timeframe. In such situations, providers and suppliers will need to conduct reasonable diligence within the lookback period of this rule to comply with section 1128J(d) of the Act.

Comment: Several commenters also stated that the duty to search for overpayments should not be triggered by a general government notice, such as the OIG annual work plan. Commenters requested that the final rule indicate that the duty to make a reasonable inquiry is only triggered by a notice of a contractor or government audit specific to a provider.

Response: If a contractor or government audit discovers a potential overpayment, the audit notice from the contractor or government triggers the provider's or supplier's obligations under section 1128J(d) of the Act. We encourage providers and suppliers to take advantage of additional sources of publicly available information, such as the OIG's annual work plan and CMS notices, to inform their planning of proactive compliance monitoring activities and retroactive reviews.

Comment: Many commenters requested clarification of the rule's application in the administrative appeal process. Some commenters recommended that providers and suppliers have the opportunity to review Medicare contractor audit results and determine whether they agree or whether they will file an appeal. Some commenters believed that the obligation to report and return overpayments identified by Medicare contractors should wait until the appeals process is completed. In support, commenters rely on Section 935 of the Medicare Modernization Act (MMA), which places limits on the ability of CMS and its contractors to recoup a potential overpayment during the first 2 levels of administrative appeal. Commenters requested that CMS clarify that, for the purposes of complying with proposed 42 CFR 401.305, a potential overpayment brought to the provider's or supplier's attention by a Medicare contractor shall not be considered ''identified'' until the later of: (1) The exhaustion of the provider's or supplier's appeal rights; or (2) the expiration of the time limit for the provider or supplier to pursue the next level of administrative or judicial appeal.

Response: The provisions of this final rule establish that a person has the responsibility to conduct an investigation in good faith and a timely manner in response to obtaining credible information of a potential overpayment and to return identified overpayments by the deadline set forth in § 401.305(b). This responsibility exists independent of the appeals process for contractors' overpayment determinations. We believe that contractor overpayment determinations are always a credible source of information for other potential overpayments. Moreover, we recognize that in certain cases, the conduct that serves as the basis for the contractor identified overpayment may be nearly identical to conduct in some additional time period not covered by the contractor audit. If the provider appeals the contractor identified overpayment, the provider may reasonably assess that it is premature to initiate a reasonably diligent investigation into the nearly identical conduct in an additional time period until such time as the contractor identified overpayment has worked its way through the administrative appeals process.

Comment: A number of commenters questioned whether providers and suppliers have appeal rights to self-identified overpayments. Commenters stated that the potential penalties for not reporting and returning an overpayment, coupled with the short 60-day time period for doing so, likely will result in providers and suppliers erring on the side of caution and returning an overpayment prematurely. Commenters suggested expanding the list of actions in 42 CFR 405.924 that constitute an initial determination to provide for an appeal right related to a ''contractor's acceptance of a refund of an overpayment made in accordance with § 401.305.'' Other commenters stated that the acceptance of the overpayment and the related adjustment should be considered a reopening and revised determination of the initial

determination of payment under the current regulations and CMS manual instructions. Other commenters stated that the concept of reconciliation should incorporate the existing appeals process.

Response: Section 1128J(d) of the Act clearly requires providers and suppliers to report and return identified overpayments they have received. To the extent that the return of any self-identified overpayment results in a revised initial determination of any specific claim or claims, a person would be afforded any appeal rights that currently exist, as some commenters stated. Revised initial determinations, which trigger appeal rights under the existing rules, are issued when specific claims are adjusted. We note the process for identifying an overpayment requires a person to exercise reasonable diligence in determining whether an overpayment was received and to quantify the overpayment amount with a reasonable degree of certainty. We expect persons to exercise responsibility in identifying an overpayment that is reported and returned in accordance with section 1128J(d) of the Act. It would be inconsistent with the intent of the statute and our regulations for persons to return self-identified overpayments or a subset of the larger overpayment, and then appeal those overpayments as a means to circumvent the duty for timely investigation of potential overpayments or the deadline for reporting and returning of identified overpayments. As such, we decline the commenters' suggestion to create an explicit appeal right by classifying ''contractor's acceptance of a refund of an overpayment made in accordance with § 401.305'' as an initial determination in § 405.924. If a provider or supplier were to report and return certain overpayments through individual claims determinations but chose not to extrapolate and, thus, not return the entire overpayment amount because the provider or supplier is appealing the individual claim determinations, then the provider or supplier could be viewed as failing to exercise reasonable diligence to identify amounts that the person should have determined are overpayments. As discussed in section II.C.1. of this final rule, any overpayment retained by a person after the deadline for reporting and returning the overpayment is an obligation that has the potential to trigger FCA liability.

Comment: Several commenters requested that CMS confirm that refunds based on statistical sampling will maintain appeal rights. Because individual claim adjustments may not be made when sampling is utilized to estimate an overpayment amount, CMS should confirm that providers and suppliers may still appeal such findings if necessary.

Response: To the extent that the return of any self-identified overpayment results in a revised initial determination of any specific claim or claims, a person would be afforded the appeal rights that currently exist. As is currently the case under the existing voluntary refund process, there are no appeal rights associated with the self-identified overpayments that do not involve identification of individual overpaid claims and individual claim adjustments.

Comment: Several commenters noted that the proposed rule provided no avenue for providers and suppliers to cancel the overpayment refund if the provider or supplier subsequently determines that the overpayment refund was made in error. Commenters suggested requiring contractors to return payments to providers and suppliers when the provider or supplier notifies the contractor that the funds were returned in error and requests a reversal.

Response: Providers and suppliers should exercise reasonable diligence as set forth in this final rule before reporting and returning the overpayment. Additionally, the existing reopening regulations afford a means for a provider or supplier to request correction of a mistake in reporting an overpayment, although we do not expect this to be a frequent occurrence.

2. Meaning of Applicable Reconciliation

Our proposed rule acknowledged that in some instances, we make interim payments to a provider through the cost year and that the provider reconciles these payments with covered and reimbursable costs at the time the cost report is due. In proposed § 401.305(c), we stated that ''applicable reconciliation'' would occur when the cost report is filed. This would include an initial cost report submission or an amended cost report. We proposed two exceptions to the general rule that the applicable reconciliation occurs with the provider's submission of a cost report. The first was related to Supplemental Security Income (SSI) ratios used in the calculation of disproportionate share hospital (DSH) payment adjustment. The second exception was related to the outlier reconciliation, which is performed at the time the cost report is settled if certain thresholds are exceeded.

Comment: Many commenters questioned our proposed interpretation of the term ''applicable reconciliation.'' Generally, commenters did not believe the Congress intended applicable reconciliation to be interpreted as narrowly as we proposed. Some commenters interpreted ''applicable reconciliation'' as the preliminary steps taken by the provider or supplier to determine whether they have received an overpayment. Some commenters suggested that CMS include the claims adjustment and credit balance processes in the definition of applicable reconciliation. Other commenters requested CMS to include all instances of addressing and resolving overpayments in the term ''applicable reconciliation,'' including but not limited to Medicare contractor or OIG audits and pre- and post-payment reviews by Medicare Administrative Contractors.

Response: We understand some of the commenters' concerns and believe our clarification of the constructive knowledge standard for identifying an overpayment discussed previously should address many of these concerns. However, we disagree with the commenters' interpretation of the term ''applicable reconciliation'' in the context of this final rule, which applies to Medicare Parts A and B. The term ''persons'' covered by section 1128J(d) of the Act is broad—it covers not only providers and suppliers, but also Medicaid managed care organizations, MA organizations, and PDP sponsors. The definition of overpayment, where the term ''applicable reconciliation'' is used, is similarly broad in that it covers overpayments received or retained by any of these persons. As a result, Congress addressed the significant differences between how all of these persons receive federal health care program dollars in the overpayment definition by including the term ''applicable reconciliation.'' Medicare Part A and B claims are submitted by providers and suppliers to contractors and those claims are expected to be correct when filed. Medicare contractors do not audit or ''reconcile'' every claim. To the extent our contractors perform claims auditing, that auditing is done in the context of our program integrity efforts to find improper claims. Section 1128J(d) of the Act does not permit providers and suppliers to retain overpayments until a CMS contractor or the OIG identify the overpayment for the provider or supplier. Providers and suppliers cannot rely on Medicare's contractors or the OIG to point out their overpayments for them—providers and suppliers are obligated to identify the overpayments they have received. Also, we do not believe that the claims adjustment and credit balance processes

are properly considered ''reconciliation.'' Instead, they are mechanisms for providers and suppliers to report and return overpayments that they identify. We have revised § 401.305(a)(2) to address those processes.

Comment: Some commenters stated that our proposed approach is inconsistent with our prior position in previous rulemakings that commenters contend allowed for post-payment adjustments before considering if an overpayment exists. Commenters cited language from the March 25, 1998 proposed rule (63 FR 14506) as an indication that CMS allowed reconciliation to occur prior to the remaining overpayment amount being considered a debt. The March 25, 1998 proposed rule specified that overpayments generally result when payment is made by Medicare for non-covered items or services, when payment is made that exceeds the amount allowed by Medicare for an item or service, or when payment is made for items or services that should have been paid by another insurer (Medicare secondary payer obligations). Furthermore, it specified that, once a determination and any necessary adjustments in the amount of the overpayment have been made, the remaining amount is a debt owed to the United States Government.

Similarly, commenters believed the following statement in our January 25, 2002 proposed rule (67 FR 3663) supports a more inclusive definition of applicable reconciliation: ''Submission of corrected bills in conformance with our policy, within 60 days, fulfills these requirements for providers, suppliers, and individuals.''

Response: The cited language from the March 1998 proposed rule was addressing the Secretary's identification of overpayments, not overpayment identified by a provider or supplier, which is the subject of this rule. As for the January 2002 proposed rule, we note that the structure proposed in that rule is similar to the section 1128J(d) obligation regarding the reporting and returning of overpayments within 60 days of identification. We fail to see how the sentence cited by commenters from the January 2002 proposed rule indicates anything about the concept of applicable reconciliation. Moreover, this statement is consistent with the discussion in section II.C.4. of this final rule regarding the claims adjustment processes as a way to report and return overpayments.

Comment: Many commenters questioned the proposed definition of ''applicable reconciliation'' as it pertains to cost reports. The proposed rule defined ''applicable reconciliation'' as occurring when a cost report is filed, except that any changes to the SSI ratio that affect the Medicare hospital disproportionate share payments and any reconciliation to outlier payments will not result in a refund obligation until such time as the final settlement of the hospital's cost report occurs. Specifically, commenters stated that section 1128J(d) of the Act recognizes the deadline for submission of the initial cost report as tolling the 60-day time period and thus applicable reconciliation should mean a process that occurs subsequent to the submission of the initial cost report.

Commenters stated that CMS' discussion of the applicable reconciliation period seemed to suggest that, other than for SSI ratios and outliers, providers will be expected to have identified a cost report-related overpayment at the time that the provider submits an initial or amended cost report. According to commenters, this suggestion is inconsistent with the purpose of the cost report settlement process, which is to assist all parties in identifying and correcting errors, and it is not until this process is completed (and sometimes long after) that providers may become aware of an overpayment. In addition, commenters objected to the position that initial or amended cost reports can serve as the basis for an overpayment, given that the determination of the amount of reimbursement due on that cost report is not final until the contractor audits the cost report and issues a written determination under 42 CFR 405.1803(a).

Commenters recommended ''applicable reconciliation'' in the context of cost reporting occur upon the final settlement of a provider's cost report by the MAC, so long as, upon discovery of an issue subject to cost report audits that could affect a provider's Medicare payment, the provider timely discloses the issue to a MAC for purposes of preparing a final cost report settlement.

Response: We appreciate the comments on this issue. However, we are finalizing the definition of applicable reconciliation as proposed. The applicable reconciliation for purposes of 1128J(d)(4)(B) is the reconciliation that enables a person to identify funds to which the person is not entitled. Providers are required to file annual cost reports in order to determine their total reimbursement and any amount due to or from the Medicare program. When a provider files its cost report, it is attesting to the accuracy of the provider's reconciliation of the interim payments and costs. Accordingly, in the context of cost reporting, the ''applicable reconciliation'' is the provider's year-end reconciliation of payments and costs to create the cost report. The cost report must be filed within 5 months of the end of the provider's fiscal year end, which allows the provider time to reconcile payments and costs and identify any funds to which the provider is not entitled. This overpayment should be returned at the time the cost report is filed. We note that this definition establishes a policy that is consistent with our regulations at 42 CFR 405.378(e)(2)(i), which state that if a cost report is filed indicating that an amount is due to CMS, interest on the amount due will accrue from the due date of the cost report (unless certain exceptions apply).

Comment: Several cancer centers raised concerns about the rule's application to their payments. According to comments, cancer centers are reimbursed for inpatient services based on the reasonable cost methodology subject to the Tax Equity and Fiscal Responsibility Act (TEFRA) cost limits and are eligible for hold harmless payments under the outpatient prospective payment system. Because of the unique aspects of these payment methodologies, billing or other errors or omissions that may cause an overpayment for other types of hospitals would often not result in a reduction in overall reimbursement for a cancer center if they were corrected. Therefore, commenters requested that CMS clarify that billing or other errors that would not impact the reimbursement amount that a provider receives would not constitute an overpayment for purposes of this final rule.

Response: We agree with the commenters to the extent that section 1128J(d) of the Act pertains only to overpayments. If a provider identifies an error or omission that does not result in an overpayment, then the requirements of section 1128J(d) of the Act or this rule do not apply.

Comment: Commenters questioned whether there is a duty to revise past cost reports based on the results of a MAC audit on one cost report. For example, a MAC may audit a cost report for one year and make certain adjustments based on what it determines to be the improper treatment of certain costs. Commenters questioned whether, under this rule, a provider would be required to submit amended cost reports for all other unaudited cost report years in which the provider treated those costs in a similar fashion.

Response: If the MAC notifies a provider of an improper cost report payment, the provider has received credible information of a potential overpayment and must conduct reasonable diligence on other cost reports within the lookback period to determine if it has received an overpayment.

Comment: Commenters questioned the rule's effect on the hospice annual cap, the home health outlier revenue cap, and requests for anticipated payments (RAPs). According to commenters, hospices and home health agencies have no way of knowing whether they have received a cap overpayment, or the amount, until they are notified by the MAC. Commenters requested that CMS clarify that the rule does not apply in these situations.

Response: The hospice and home health cap determinations are made at the end of the year and it is possible that the provider may not be aware of the cap status until their MAC calculates the final cap amount. Therefore, the provider is not responsible to report and refund the overpayment until they have received the cap determination from their MAC. There can be no applicable reconciliation until the final cap amount is determined.

Comment: Commenters questioned the rule's effect on payment adjustments under the long-term care hospitals (LTCHs) prospective payment system (PPS), including the so-called ''25-percent threshold rule'' payment adjustment policy as implemented by 42 CFR 412.534 and 412.536.

Response: In this final rule, we define overpayment as any funds that a person has received or retained under title XVIII of the Act to which the person, after applicable reconciliation, is not entitled under such title. To the extent the LCTH adjustments meet this definition they are overpayments.

Comment: Commenters questioned how providers that receive periodic interim payments (PIP) would be expected to return any overpayments. Under the statutory and proposed regulatory definitions of ''overpayment,'' during any cost reporting period, no overpayment exists until the provider submits its cost report. Commenters sought clarification that any overpayments identified by providers related to these interim payments must be reported and returned by the date any corresponding cost report is due, not within 60 days of identification. Commenters believed that the preamble language in the proposed rule indicated that CMS believed any overpayments associated with interim payments made to a provider throughout the cost report year would be reconciled at the time that the cost report is due, but they sought confirmation that this is CMS's policy for PIP providers.

Response: We agree with commenters. Overpayments as a result of PIP payments would be reported and returned at the time the initial cost report is due. There is no applicable reconciliation until the PIP payments are dealt with in the cost report process. However, if a provider is aware that their PIP payment may not be accurate, they should continue with normal business practices and inform its MAC of the issue.

Comment: Some commenters questioned under what circumstances a provider would anticipate an outlier reconciliation will be performed at the time of cost report settlement and requested that CMS clarify that outlier payments may be returned via the overpayment reporting process for claims. Other commenters requested clarification of how the rule would apply in situations where a MAC amends the provider's cost to charge ratio resulting in a reduction to its Medicare outlier payments for the cost reporting period. Specifically, commenters questioned whether it is the provider's responsibility to recompute its outlier payments based on this new information and remit any overpayment to the Medicare contractor within 60 days of receiving the notification or whether the provider should wait for the MAC to audit, or if applicable, reopen the cost report and redetermine the settlement amount.

Response: An overpayment as a result of an outlier reconciliation would be identified once the provider receives that information from its MAC as part of the cost report settlement process. The provider is not responsible for attempting to identify the cost report outlier reconciliation overpayment in advance of the MAC's reconciliation calculation. However, for claims, if the provider identifies an inaccurate outlier claim payment, the provider must follow the overpayment payment reporting process for claims, as noted in this final rule.

Comment: Given that cost reports can remain under audit review for 3 to 4 years and are not finalized until the Notice of Program Reimbursement (''NPR'') date, commenters requested that CMS provide guidance on providers' responsibilities when an overpayment is discovered by the provider or the MAC auditor after the cost report is due/filed but prior to the NPR date. Commenters questioned whether the provider would be required to report and repay the overpayment within 60 days of identification rather than allowing for completion of the audit process, which includes netting out of underpayments and overpayments, while the cost report is still open. Commenters stated that requiring reporting and returning within 60 days of identification, as opposed to allowing completion of the audit process, would force providers to send in numerous overpayments for minor errors while the cost report is open and disrupt the normal MAC audit process.

Commenters also questioned a number of other cost report issues that they believed to be not entirely known to the provider at the time of initially filing the as-filed cost report, but which are reconciled through the audit process, and finalized with the issuance of the NPR, including—

- Home office cost statements (HOCS), providers usually file an estimate of home office costs on the hospital cost report, which is subsequently reconciled to the HOCS when the MAC audits the HOCS;
- Any interim payments such as Medicare bad debt or graduate medical education (GME), including resident ''overlap'' reports from the MAC;
- Sole-community hospital (SCH)/Medicare-dependent hospital (MDH) payments;
- End-stage renal disease (ESRD) payments;
- Organ payments;
- Nursing and allied health payments;
- Tentative settlement payments;
- Updated Provider Statistical & Reimbursement Report (PS&R) for claims processed after cost report submission;
- Prior-year audit adjustments, CMS rulings, and PRRB appeals; and
- HITECH Act EHR incentive payments.

Response: If the provider self-identifies an overpayment after the submission and applicable reconciliation of the Medicare cost report, it is their responsibility to follow the procedures in this rule, and report and return the overpayment within 60 days of identification. The provider must use the applicable reporting process for cost report overpayments (submit an amended cost report) along with the overpayment refund. The amended cost report must include sufficient documentation and data to identify the issue in order for the MAC to adjust the cost report.

If the overpayment is identified by the MAC during the cost report audit, the MAC will determine and demand the exact amount of the overpayment at

final settlement of the cost report. The provider remains responsible to report and refund similar overpayments in cost reports for other years not covered by the MAC audit.

Comment: Commenters noted that the proposed rule did not mention any changes to the cost report reopening period at § 405.1885, which is 3 years.

Response: We did not propose and are not changing the time period in 42 CFR 405.1885.

3. Lookback Period

Proposed § 401.305(g) specified that overpayments must be reported and returned only if a person identifies the overpayment within 10 years of the date the overpayment was received. We proposed 10 years because this is the outer limit of the FCA statute of limitations. We also proposed amending the reopening rules at § 405.980(b) to provide that overpayments reported in accordance with § 401.305 may be reopened for a period of 10 years to ensure consistency between the reopening regulations and § 401.305(g).

Comment: Many commenters objected to the proposed 10-year lookback period in § 401.305(g) for several reasons. First, commenters stated that section 1128J(d) of the Act does not provide a basis to create a new lookback period that is different from the one in existing reopening rules. Second, commenters stated that it was not appropriate to use the outer limit of the FCA as the lookback period. Since the FCA is a fraud enforcement statute, commenters stated that it was not appropriate to apply this time period to all overpayments, which could also be caused by errors or mistakes that did not rise to the level of fraud. Third, commenters stated that 6 years is the more commonly used statute of limitations in the FCA and that the 10-year period only applied in certain circumstances. Thus, commenters stated that the proposed lookback period was broader than, and not parallel to, that of the FCA.

Commenters also stated that the proposed 10-year period was overly burdensome. First, many commenters stated that compliance with the proposed time period would require a de facto 10-year record retention requirement and would be inconsistent with existing record retention requirements. Second, commenters stated that maintaining paper and electronic medical and billing records for the proposed 10-year period as well as the difficulties with retrieving that information from legacy systems would be costly and time-consuming. Third, commenters stated that the proposed 10-year period would increase the burden, costs, and complexity in investigating a potential overpayment. For example, commenters noted that they would likely need to create very large sample sizes to cover a 10-year timeframe. In addition, the review would need to account for any changes in the coding, including Current Procedural Terminology (CPT) codes (or other codes used to identify items or procedures billed), Correct Coding Initiative (CCI) editing protocols, local contractor determinations, coverage guidelines, and other CMS policies. Finally, commenters noted that staff turnover at both the provider or supplier and CMS contractor levels may create additional challenges in investigating claims filed up to 10 years ago.

Commenters offered a variety of alternative lookback periods:

- Many commenters suggested using the current reopening rules at 42 CFR 405.980, which permit contractors to reopen claims within 1 year for any reason, within 4 years for good cause, and at any time if evidence of fraud or similar fault exists. These commenters stated that § 405.980 sets forth a reasonable timeframes and providers and suppliers have built their internal processes around them.
- Other commenters recommended a 3-year lookback period for all overpayments not resulting from fraud or other intentional misconduct. These commenters generally justified a 3-year period because the Medicare and Medicaid RACs are limited to 3 years in their audits. A commenter recommended 3 years because it matched the timeframe for coordination of benefits under Part D.
- Other commenters recommended a 5-year period because it was consistent with the medical record retention requirement in the hospital conditions of participation at 42 CFR 482.24.
- Other commenters recommended a 6-year period. These commenters stated that 6 years is consistent with the more commonly applicable FCA statute of limitations as well as the statute of limitations for section 1128A of the Act, which contains a variety of civil monetary penalty (CMP) authorities applicable to Medicare and Medicaid, including the CMP applicable to section 1128J(d) of the Act. Several commenters also recommended 6 years because it is consistent with the medical record retention requirements for Part B providers under Chapter 24, 30.2 of the Medicare Claims Processing Manual and the HIPAA requirements at 45 CFR 164.316(b)(2) for maintaining documentation of compliance policies and procedures as well as various state medical record retention requirements.
- Other commenters recommended a 7-year period. These commenters stated that most, if not all, providers and suppliers retain documentation for claims they submit for a 7-year period as part of their standard record retention policies.

Response: We have carefully considered all of the comments on the lookback period and have concluded that 6-year time period is most appropriate for this rule. The change is reflected in § 401.305(f) of this final rule. The 6-year lookback period will be measured back from the date the person identifies the overpayment. As an initial matter, we believe that we have the authority to establish a lookback period for section 1128J(d) of the Act under our programmatic rulemaking authority, including our authority to create the reopening rules under section 1869 of the Act. We note that section 1128J(d) has no time limit to the obligation to report and return overpayments received by a provider or supplier. The enforcement mechanisms, the FCA and section 1128A of the Act, have time limits ranging from 6 to 10 years. We believe that the current reopening rules need to be adjusted to properly reflect section 1128J(d) of the Act, specifically the statute's enforcement aspects. We are amending the reopening rules to provide for a reopening period that accommodates the 6-year lookback period for reporting and returning overpayments, and to ensure that the reopening rules do not present an obstacle or unintended loophole to compliance and enforcement of section 1128J(d) of the Act. We specify in § 405.980(c)(4) that providers may request that contractors reopen initial determinations for the purpose of reporting and returning an overpayment under § 401.305. However, this revision to the reopening regulation does not extend the lookback period specified in § 401.305(f). Rather, it serves to make administrative accommodations so that contractors may reopen the initial determination associated with any overpayment reported and returned by a provider or supplier during the 6-year lookback period set forth in this final rule.

After review of all the issues identified by the commenters, we conclude that a 6-year lookback period would appropriately address many of the concerns about burden and cost outlined previously. Specifically, we note that, according to commenters, many providers and suppliers retain records and claims data for between 6 and 7 years based on various existing

federal and state requirements. Thus, we believe our final rule does not create additional burden or cost on providers and suppliers in this regard. Also, 6 years is consistent with one component of the FCA statute of limitations as well as the statute of limitations under section 1128A of the Act.

Comment: Several commenters recommended a lookback period that is no longer than the state medical record retention law in which the medical professional or facility is licensed and is not longer than 7 years from the date of service.

Response: We decline to adopt this approach for the reasons discussed previously. In addition, we do not believe it is appropriate or desirable to have the time period vary based solely on the medical record retention laws of the state in which the provider or supplier is furnishing services. Section 1128J(d) of the Act uniformly applies to all providers and suppliers in each state and, as such, all providers and suppliers should have the same obligations.

Comment: A commenter recommended changing the reopening rules to eliminate the ability to reopen claims at any time for fraud or similar fault and instead modify reopening rules to be a 4-year lookback period for errors that are not the result of fraud or similar fault, a 6-year lookback period (consistent with one component of the FCA statute of limitations) for knowingly false or fraudulent claims, and a 10-year lookback period (consistent with the outer limit of the FCA statute) for the most extreme cases where knowingly false or fraudulent claims have been actively concealed from discovery.

Response: We also decline to adopt this approach for the reasons discussed previously. In addition, we see no reason to change the ''fraud or similar fault'' aspect of the reopening rule. First, this issue is outside the scope of this rulemaking. Second, we do not believe changing this aspect of the reopening rule is necessary or desirable. We note that fraud investigations and judicial proceedings can require an extended period of time beyond the date the claim was filed to resolve, which counsels against imposing a limitation on reopening determinations procured by fraud or similar fault.

Comment: Several commenters noted that in 2005 we considered extending the reopening periods to 5 years in certain circumstances and decided not to. Specifically, we proposed a 5-year reopening period if a contractor discovered a pattern of billing errors or identified an overpayment extrapolated from a statistical sample. (See the November 15, 2002 proposed rule (67 FR 69327).) In response to this proposed provision, commenters maintained that we did not adequately justify the proposed 5-year timeframe and expressed concerns about the difficulty and burden of locating documentation on older claims. (See the March 8, 2005 interim final rule with comment period (70 FR 11452).) In the interim final rule, we did not finalize the 5-year proposed period. Commenters questioned why we proposed a lookback period twice the length of the period proposed, and not finalized, in 2005 and suggested that we refrain from extending the look-back period for reported overpayments to 10 years for the same reasons.

Response: In the March 2005 interim final rule, we stated that we proposed the 5-year lookback period in an effort to accommodate overpayments identified by external auditors and law enforcement agencies where the external or law enforcement auditor used a 5-year sampling methodology, but the Medicare contractor was limited to a 4-year recovery period where there was no fraud determination. We decided to remove the proposal in recognition of commenters' concerns and directed contractors to rely on the similar fault provisions to reopen claims where law enforcement findings suggest a need to reopen. Since the March 2005 rulemaking, the Congress has changed the law by enacting section 1128J(d) of the Act. We believe that this law requires us to re-examine our reopening rules to ensure that those rules are consistent with the law. Previously in this final rule, we have articulated a rationale for the 6-year period in a way that balances giving full effect to the law the Congress passed with the cost and burden issues identified by commenters.

Comment: Commenters questioned whether they had a responsibility to go back beyond the 3 years covered in a Recovery Audit Contractor (RAC) audit that identifies overpayments.

Response: Yes, as discussed previously, this final rule clarifies that when the provider or supplier receives credible information of a potential overpayment, they need to conduct reasonable diligence to determine whether they have received an overpayment. RAC audit findings, as well as other Medicare contractor and OIG audit findings, are credible information of at least a potential overpayment. Providers and suppliers need to review the audit findings and determine whether they have received an overpayment. As part of this review, providers and suppliers need to determine whether they have received overpayments going back 6 years as stated in this rule.

Comment: A commenter requested that, regardless of the lookback period we adopt, we allow Part B providers to use scanned records to justify their Part B claims for auditing purposes. The commenter stated that maintaining paper records for 6 or 10 years is burdensome, takes up significant physical space and is unnecessarily costly in terms of the cost of renting or purchasing space to store 6 or 10 years' worth of paper records. The commenter noted that the proposed rule was silent as to whether scanned versus paper records are sufficient for validating claims under the lookback period and requested clarification that scanned records are acceptable for validating claims.

Response: We agree with the commenter that scanned or electronic records are acceptable for validating claims for purposes of identifying overpayments within the context of this rule.

Comment: Several commenters believed that the 10-year lookback period was appropriate. Commenters believed that the proposed rule was consistent with the 10-year FCA statute of limitations and would help ensure wrongfully retained overpayments were returned to the government. Commenters noted that the 10-year FCA provision has been in place since the 1986 amendments, and thus does not impose new burdens or duties on providers and suppliers. Commenters stated that an alternative period would lead to unnecessary confusion and inconsistencies in light of existing expectations of liability for a 10-year lookback period.

Response: We appreciate the commenters' perspective and agree that a 10-year lookback period would be a justifiable option for this final rule. However, we have decided to adopt a 6-year period for the reasons discussed previously.

Comment: A few commenters sought clarification of the proposed reopening rule change insofar as whether it affects the existing reopening rules for contractors reopening paid claims beyond 4 years. Commenters stated that they believed the proposed revision to the reopening rules was intended to eliminate an administrative hurdle that would otherwise prevent the contractor from adjusting claims following receipt of an overpayment disclosed by a provider. Commenters interpreted the revision to the reopening rules to not expand the authority of contractors to reopen paid claims that are not the subject of a voluntary disclosure by a

provider and requested that we confirm that interpretation in the final rule.

Response: We agree with the commenters' interpretation. The proposed rule amended § 405.980(b), which applies to reopenings initiated by the contractor. In the context of this final rule, providers or suppliers would be initiating the reopening by reporting and returning the overpayment, which falls under § 405.980(c). As such, we have included language concerning reopenings under this final rule in § 405.980(c)(4) for clarity. Reopenings under this subsection are limited to reopenings requested by the provider or supplier under § 401.305.

Comment: A commenter requested clarification of the statement in the preamble indicating that overpayments reported in accordance with § 401.305 may be reopened for a period of 10 years. The commenter suggested this statement could mean that the decision to adjust a paid claim following the report of an overpayment would be subject to revision for 10 years after the adjustment is made. The commenter requested that we clarify that claims reported as overpayments in accordance with § 401.305 may be reopened for a period of 10 years after the date the claim was paid.

Response: Consistent with the lookback period specified in § 401.305, any initial determination that is subsequently reported and returned as an overpayment is subject to reopening and revision by a contractor whenever the overpayment is returned.

Comment: A commenter questioned whether the adjustment to a paid claim following a provider's report and return of an overpayment constitutes a redetermination for purposes of the reopening rules.

Response: An adjustment to any individual paid claim constitutes a revised initial determination for purposes of the reopening rules.

Comment: Several commenters noted that the Medicare hospital conditions of participation at 42 CFR 482.24 requires hospitals to retain medical records for 5 years and requested clarification on how (if at all) the implementation of the proposed 10-year lookback period impacts or alters recordkeeping rules.

Response: First, we note that § 482.24(b)(1) states that hospitals must retain medical records for a period of at least 5 years, which sets a minimum record retention period, not a maximum. We also note that, as discussed previously, other commenters cited other record retention rules and practices for 6 to 7-year periods. Since we are establishing a 6-year lookback period, we believe hospitals will have little, if any, additional record retention burden as the result of this rule.

Comment: A commenter recommended that any lookback period be phased-in over a series of years to balance the need for the return of Medicare overpayments with the amount of time medical groups need to prepare for such a change. The commenter stated that a phase-in period would provide medical groups with a greater transition period to adjust their record retention policies and develop additional efficiencies to ensure that the identification, quantification, and accuracy of Medicare overpayments are not compromised.

Response: Given our finalized lookback period, we do not believe a phase-in period is necessary or appropriate.

Comment: Several commenters requested clarification on whether this rule is retroactive. More specifically, commenters questioned how this rule would apply to overpayments received prior to—(1) March 23, 2010, the effective date of section 1128J(d) of the Act; and (2) the effective date of the final rule. Commenters frequently posed these questions in conjunction with objecting to the proposed 10-year lookback period. First, commenters stated that they believed retroactive application of the rule to overpayments received prior to March 23, 2010 would not be legally supportable because the Affordable Care Act does not indicate that section 1128J(d) of the Act applies retroactively. In addition, commenters believed that the Secretary was not given retroactive rulemaking authority here.

Response: Section 1128J(d) of the Act is not retroactive; thus, failure to comply with the specific requirements of this section prior to March 23, 2010 is not a violation of this statutory provision. However, we note that other statutes governed the disposition of overpayments prior to the enactment of the Affordable Care Act. We do not address here compliance with such other statutory provisions. Beginning on March 23, 2010—the enactment date of the Affordable Care Act and section 1128J(d) of the Act—providers and suppliers that had not already returned a particular overpayment were required to report and return the overpayment in accordance with the provisions of section 1128J(d) of the Act. This requirement exists even if the provider or supplier received the overpayment prior to March 23, 2010.

Similarly, this final rule is not retroactive. Providers and suppliers that reported and/or returned overpayments prior to the effective date of this final rule and that made a good faith effort to comply with the provisions of section 1128J(d) of the Act are not expected to have complied with each provision of the final rule. However, all providers and suppliers reporting and returning overpayments on or after the effective date of this final rule—even overpayments received prior to the rule's effective date—must comply with the new regulatory requirements.

For example, self-referral overpayments reported to us in accordance with the CMS Voluntary Self-Referral Disclosure Protocol (SRDP) prior to the effective date of this final rule will not be governed by the 6-year lookback specified in this final rule. This includes both overpayments reported and returned (via compromise and settlement) as well as those reported and still in the process of being reviewed through the SRDP. Providers and suppliers that made a good faith effort to comply with section 1128J(d) of the Act by reporting self-referral overpayments to the SRDP, which, until now, has operated with a 4-year lookback period, are not expected to return overpayments from the fifth and sixth year through other means. Providers and suppliers reporting overpayments to the SRDP on or after the effective date of this final rule are subject to the 6-year lookback period specified in this final rule. However, at this time, we are only authorized under the Paperwork Reduction Act to collect financial analysis of overpayments that occurred during a 4-year lookback period. In connection with this final rule, we are seeking authorization from OMB to collect financial information regarding overpayments using the 6-year lookback period. Until the revised collection is approved by OMB, providers and suppliers reporting overpayments to CMS in accordance with the SRDP have no duty to provide financial information from the fifth and sixth years, that is, the 2 years outside of the currently authorized 4-year lookback period. Accordingly, until notification of changes to the SRDP lookback period, providers and suppliers submitting to the SRDP may voluntarily provide financial information from the fifth and sixth years or report and return overpayments from the fifth and sixth years through other means.

There are two time periods of concern to commenters—the time prior to the enactment of the Affordable Care Act on March 23, 2010 and the time period between March 23, 2010 and the effective date of this final rule. For the time prior to March 23, 2010, while providers and suppliers had an existing

obligation to return overpayments, the specific obligations contained in section 1128J(d) of the Act are not retroactive prior to March 23, 2010. Therefore, failing to report and return overpayments within the deadline in section 1128J(d) of the Act would not be actionable prior to March 23, 2010. The obligations of section 1128J(d) of the Act were effective March 23, 2010. Thus, providers and suppliers were obligated to comply with section 1128J(d) of the Act as of that date. For the time period between March 23, 2010 and the effective date of this final rule, providers and suppliers may rely on their good-faith and reasonable interpretation of section 1128J(d) of the Act.

Comment: Some commenters suggested that providers with a ''certified'' or ''approved'' compliance program should not be subject to the lookback period because commenters stated that any overpayment would be caused by a simple mistake and not fraud or abuse.

Response: We see no justification in section 1128J(d) of the Act for the commenters' suggestion. As we stated earlier, section 1128J(d) of the Act requires the reporting and returning of all overpayments received by a provider or supplier.

Comment: Many commenters expressed concerns that certain requirements in the proposed rule, particularly the proposed lookback period, would increase the administrative burden on providers and suppliers, which would lead to increased operating costs and may lead to certain providers and suppliers opting out of Medicare. Commenters expressed concerns about the overall tone of the proposed rule as one that appeared to assume that all overpayments are caused by fraud and abuse. Commenters stated that most providers and suppliers are honest and use their best efforts to submit claims to Medicare that are appropriate. Some commenters characterized the proposed rule as a ''one-size-fits-all'' approach that did not take into account the differences between large and small providers and suppliers or providers and suppliers that CMS has designated as lower fraud risks.

Response: We appreciate all the comments and have amended the final rule to take many of these comments into account, as discussed elsewhere in this final rule. We understand the concerns expressed and have fashioned the final rule to balance concerns raised by commenters with fulfilling the requirements and purpose of section 1128J(d) of the Act. The final rule contains flexible yet strong standards that can be applied to many different circumstances and providers and suppliers. The statute and this rule are not limited to overpayments caused by fraud or abuse.

4. How To Report and Return Overpayments

Section 1128J(d) of the Act provides that if a person has received an overpayment, the person shall both report and return the overpayment to the Secretary, an intermediary, a carrier, or a contractor, as appropriate, at the correct address; and notify the Secretary, intermediary, carrier, or contractor to whom the overpayment was returned in writing of the reason for the overpayment.

In § 401.305(e)(1), we proposed to require the use of the existing voluntary refund process, which will be renamed the ''self-reported overpayment refund process,'' set forth by the applicable Medicare contractor to report and return overpayments except as provided in § 401.305(e)(2). Section 401.305(e)(2) provided that a person would satisfy the reporting obligations of this section by making a disclosure under the OIG's Self-Disclosure Protocol resulting in a settlement agreement using the process described in the OIG Self-Disclosure Protocol. The existing voluntary refund process is referenced in Publication 100–08, Chapter 4, Section 4.16 of the Medicare Program Integrity Manual. Under the existing voluntary refund process, providers and suppliers report overpayments using a form that each Medicare contractor makes available on its Web site.

In § 401.305(d) of the February 16, 2012 proposed rule (77 FR 9179), we also proposed a specific list of 13 data elements that were required in the report: (1) Person's name; (2) person's tax identification number; (3) how the error was discovered; (4) the reason for the overpayment; (5) the health insurance claim number, as appropriate; (6) date of service; (7) Medicare claim control number, as appropriate; (8) National Provider Identification (NPI) number; (9) description of the corrective action plan to ensure the error does not occur again; (10) whether the person has a corporate integrity agreement with the OIG or is under the OIG Self-Disclosure Protocol; (11) the timeframe and the total amount of refund for the period during which the problem existed that caused the refund; (12) if a statistical sample was used to determine the overpayment amount, a description of the statistically valid methodology used to determine the overpayment; and (13) a refund in the amount of the overpayment. We recognized that some of the current reporting forms may differ among the different Medicare contractors and stated we planned to develop a uniform reporting form that will enable all overpayments to be reported and returned in a consistent manner across all Medicare contractors. Until such uniform reporting form is made available, we stated in the preamble that providers and suppliers should utilize the existing form available from the Web site of the applicable Medicare contractor.

Comment: Many commenters appreciated CMS' use of an existing process, the voluntary refund process, as the method for reporting and returning overpayments. Generally, commenters agreed that using an existing process to implement the 60-day rule will ease the burden for reporting and returning overpayments. However, many commenters requested clarification about how this rule affected other existing processes that enable providers and suppliers to report and return claims-based overpayments. Commenters confirmed that providers and suppliers sometimes use the voluntary refund process. Commenters also noted that this process is not the only way to make overpayment refunds and is usually only used when a refund is made by check and the overpayment was calculated using a sampling methodology.

Commenters stated that, in most overpayment cases, other processes are used that are effective and efficient both for the Medicare program and providers and suppliers. Commenters repeatedly noted the claims adjustment and reversal process for Part A and B claims. The claims adjustment process for Part A claims is electronically accomplished through access to the Fiscal Intermediary Standard System (FISS). The claim adjustment is then recorded on the Provider Statistical & Reimbursement Report (PS&R). Commenters uniformly stated that it is critical that providers and suppliers be permitted to continue to use the claims adjustment process to refund overpayments, when appropriate, to ensure that the claims data is adjusted in the FISS. Claims adjustment for Part B claims is currently a paper-based process, but one in which commenters stated providers and suppliers frequently use. In both Part A and B, claims adjustments include an adjustment reason code on the claim. The claim is reprocessed and the overpayment is recouped via the remittance advice.

In addition, commenters noted that hospitals are required to submit the

Medicare Credit Balance Report (CMS–838; OMB control number 0938–0600) within 30 days of the close of each calendar quarter to disclose any credits due to the Medicare program as a result of patient billing or claims processing errors, for example, being paid by Medicare and another payer for the same services, or overpayments resulting from incorrect calculation of the beneficiary's deductible or coinsurance. Any amounts due to Medicare must be repaid or claims adjusted at the time the CMS–838 is filed.

Commenters suggested that CMS permit the use of the claims adjustment and credit balance report process for returning overpayments because these existing processes are well-known to providers, suppliers, and Medicare contractors and work effectively and efficiently for all parties at recouping overpayments. In many commenters' experience, Medicare contractors prefer that providers and suppliers submit adjusted bills so that each beneficiary's account properly reflects how and why the payment was adjusted or how the contractors recouped a full or partial overpayment.

Response: We agree with commenters and amended the final rule accordingly in § 401.305(d)(1) by allowing for additional processes beyond the voluntary refund process. Providers and suppliers may use the claims adjustment, credit balance, self-reported refund process, or another appropriate process to report and return overpayments. This position preserves our existing processes and preserves our ability to modify these processes or create new processes in the future.

Comment: Commenters requested clarification on how the timing of the credit balance reporting process interacts with the timing of the report and return obligation in the proposed rule. Under the credit balance reporting process, the credit balance report is due 30 days after the end of each quarter, which would mean that overpayments received during the first 2 months of each quarter may be reported after the 60-day time period under the proposed rule has passed. Commenters requested guidance on how to comply with the proposed rule and follow the credit balance reporting process.

Response: We have revised the requirement to include the credit balance reporting process as a way to report and return overpayments under this final rule.

Comment: Some commenters requested that CMS permit electronically correcting or adjusting claims for the self-reported refund process as opposed to completing a form, cutting a check, and mailing it to the contractor for processing. It would reduce the administrative burden and allow for expeditious return of overpayments, while furthering the move to electronic processing of records.

Response: We will continue to review our processes and will consider this suggestion in future process improvements. Any changes to our administrative processes, including the self-reported refund process, will be addressed in the applicable manual.

Comment: Commenters questioned whether, instead of submitting a check with the overpayment reporting form, a provider continue to be able to request a voluntary offset.

Response: Yes, providers and suppliers may request a voluntary offset from the contractor.

Comment: Several commenters questioned how providers and suppliers should handle delays by the Medicare contractor in processing the refund, whether submitted through the electronic claims adjustment system, filing of the CMS–838, or by submitting a check or requesting an offset through the self-reported refund process. Commenters reported that there is great variability in how the contractors handle voluntary refunds. Some commenters reported that contractors at times have returned a refund check submitted by a provider or supplier or refused to accept it. Other commenters noted that some contractors claimed to be unable to process a refund if the claims were for a time period before that particular company was engaged as the contractor. Commenters requested that the rule should be modified to expressly state that a provider or supplier satisfies its repayment obligation under the statute and the rule by making good faith efforts to submit a valid form of payment to the contractor or government entity that the provider or supplier reasonably believes to be the appropriate recipient of a particular repayment. Other commenters suggested that the contractor inform the provider or supplier when it has preliminarily determined that the overpayment report complied with the rule. Commenters also suggested a processing deadline for the contractors.

Response: We agree with commenters that the obligations of this final rule are satisfied when the provider or supplier follows the appropriate process for the overpayment issue in good faith to report and return the overpayment, including calculating the amount of the overpayment. Publication 100–08, Chapter 4, Section 4.16 of the Medicare Program Integrity Manual requires contractors to process all voluntary refunds. The Program Integrity Manual specifically prohibits contractors from returning voluntary refund checks. We see no basis for a contractor to refuse a refund because a different company was the contractor during the period covered by the refund. Finally, we may consider a processing deadline for contractors in the future.

Regarding obtaining a preliminary determination, we believe contractors may not be able to conclude whether the overpayment refund complied with this rule on the face of the report. The provider or supplier is ultimately responsible for complying with this rule. Contractors are instructed to refer suspected fraud to law enforcement. Any overpayment refund does not negate any potential liability the provider or supplier may have for the overpayment issue.

Comment: Several commenters raised the situation where a contractor notifies a provider or supplier of an overpayment due to the contractor's error. Commenters stated that in this situation, where the contractor identifies and takes responsibility for collecting the overpayment by adjusting claims, the provider or supplier should not also be required to conduct an inquiry and report and return the overpayment on its own. Commenters noted that it may take the contractor more than 60 days to adjust the claims related to its error.

Response: We agree that where the contractor identifies a payment error by the contractor and notifies the provider or supplier that the contractor will adjust the claims to correct the error, the provider or supplier does not need to report and return the overpayment separately.

Comment: Many commenters objected to the proposed list of data elements in § 401.305(d) for several reasons, including that the data elements exceed the statutory requirements, are not necessary for Medicare to reconcile the payments, and create unnecessary burden. Commenters believed that the proposed list exceeded the requirements of section 1128J(d)(1)(B) of the Act, which states that the person must notify the Secretary in writing of the reason for the overpayment. Commenters specifically objected to the following items in the list of data elements in § 401.305(d) as overly burdensome: (3) How the error was discovered; (9) description of the corrective action plan to ensure the error does not occur again; and (12) if a statistical sample was used to determine the overpayment amount, a description of the statistically valid

methodology used to determine the overpayment. The discovery and corrective action plan elements were objected to because commenters stated that these elements appeared to assume that the overpayment were the fault of the provider or supplier. Overpayments may be caused by various reasons for which a corrective action plan is not necessary, such as an error or a routine adjustment, according to commenters. In addition, commenters noted that requiring claim-specific data, such as the date of service, health insurance claim number, and the Medicare claim control number for all of the claims associated with the overpayment would be impossible when a sampling and extrapolation methodology are used. Finally, commenters stated that compliance with the proposed reporting requirements would result in additional time and expense in reporting.

Response: We appreciate the comments and have adjusted the final rule in several ways. As discussed previously, this final rule permits using the most applicable process set forth by the Medicare contractor to report and return overpayments. As a result, we eliminated the specific list of data elements from the rule as proposed in § 401.305(d) to accommodate these existing processes. While we believe that the facts about how the overpayment was discovered and corrective action plans are relevant information relating to the reason for the overpayment, and thus within the purview of the statute, we also recognize that the additional burden of providing this information may not be necessary in all overpayment situations. In addition, we note that providers and suppliers submitting self-disclosures to the OIG Self-Disclosure Protocol (SDP) and the CMS Voluntary Self-Referral Disclosure Protocol (SRDP) must use the reporting process described in the respective protocol.

However, we continue to believe that, where the overpayment amount is extrapolated based on a statistical sampling methodology, it is necessary for the overpayment report to explain how the overpayment amount was calculated. The statute requires the return of an amount of money for the overpayment; therefore, it is a reasonable interpretation of the statute to require an explanation of how the overpayment amount was calculated by the provider or supplier by extrapolation. As commenters noted, statistical sampling is already used by providers and suppliers in the voluntary refund process. Therefore, we believe that requiring an explanation of the statistical sampling methodology results in little, if any, additional burden.

Comment: Many commenters stated that the differences between the regulatory requirement in proposed § 401.305(d) and various contractors' existing voluntary refund forms created confusion. Specifically, commenters requested clarity on how the provider or supplier could comply with the regulation by using a contractor form that did not contain all of the elements required by the regulation. Commenters noted that we stated in the preamble that we intended to create a standardized reporting form in the future and, until we issued a standardized reporting form, providers and suppliers should utilize the existing form available from the Web site of the applicable Medicare contractor. Commenters requested guidance on whether they would need to supplement the contractor's form to include any missing regulatory elements to be in compliance with the regulation. Many commenters expressed this concern in connection with using sampling to calculate the overpayment. These commenters noted that, when a provider or supplier identifies a systemic error, it is frequently most efficient and effective to determine the overpayment amount utilizing extrapolation. In such cases, commenters noted that it would be impossible to identify specific data items, such as specific dates of service and Medicare claim control numbers, for claims included in an extrapolation estimate other than for the specific claims in the sample. Thus, many commenters requested that we create an exception in the regulation to identify the data elements that were required only as appropriate, such as health insurance claim and Medicare claim control numbers, and specific dates of service. In addition, many commenters requested that we create the standardized refund form before or at the same time as issuing the final rule to avoid confusion and potential inconsistency among the contractors in the way that overpayments are handled.

Response: We recognize commenters' concerns and believe the revisions presented in this final rule address these concerns. We removed the proposed data element list from the regulation to eliminate confusion between compliance with the regulation and compliance with the applicable refund process, with the exception of the statistical sampling methodology explanation. We understand that providers and suppliers currently report extrapolated overpayments through the current voluntary reporting process. In these circumstances, providers and suppliers should make a good faith effort to provide the information on their contractor's refund form, which would include providing details of the statistical sampling methodology and indicating that certain data elements, such as health insurance claim and Medicare claim control numbers, are not available for all the claims in an extrapolation. Providers and suppliers should continue to report extrapolated overpayments through currently available methods. Given these changes, we do not believe it is necessary to create a standardized refund form for the self-reported refund process prior to finalizing this rule. We will work with the contractors to adjust their current forms and instructions to address the requirements of § 401.305(d) and will consider creating a standardized form in the future.

Comment: Several commenters stated that we should add a section on the refund form to allow a provider or supplier to indicate that it is reporting an overpayment as ''contested'' or ''with reservations'' to meet the 60-day deadline while allowing further investigation. This would provide the opportunity for providers and suppliers to document they do not agree that the reported amount is an overpayment, and yet, are reporting and returning the payment to ensure that they are in compliance with the rule.

Response: We decline to accept the commenters' suggestion. Providers and suppliers are reporting and returning overpayments that they have identified. Thus, we see no purpose in designating a refund as contested or with reservations.

Comment: Some commenters requested that we direct contractors to accept one single refund form with an attachment that contains the required elements on a spreadsheet. Commenters stated that the current refund process requires providers and suppliers to complete a single refund form for each account identified as an overpayment, resulting in an extensive resource burden with no value.

Response: We agree with the commenter that the practice they describe (submitting one form and attaching a spreadsheet containing the appropriate data) is acceptable for complying with this final rule.

Comment: Some commenters recommended that we create a process for providers and suppliers to report potential overpayments without a requirement to return the overpayment pending further review by the contractor or the government. Commenters acknowledged that the requirement that providers and suppliers report and

refund an overpayment is consistent with the statutory language. However, commenters recommended that CMS consider situations where it is not easy to determine whether the identified issue is an overpayment. The commenters recommended that we create a process permitting the submission of a written report to the Medicare contractor, which would satisfy the rule's reporting obligation. The Medicare contractor would then review the report to determine whether an overpayment existed, at which time the returning obligation requirement would be triggered.

Response: We decline to adopt the commenters' suggestion. As the commenters acknowledge, section 1128J(d) of the Act requires providers and suppliers to report and return overpayments they have received. It does not cover overpayments determined and demanded by a Medicare contractor or government agency.

Comment: A commenter recommended that we remove the reference to statistical samples because it may be interpreted to suggest a statistically valid sample is always required. The commenter stated that there are many situations where the size of the potential overpayment is small and does not warrant the expense of creating a statistical sample to calculate a refund amount. In these situations, the commenter believes providers and suppliers should do the best job they can to estimate the overpayment and give all benefit of the doubt to the government. The commenter believes requiring statistical validity for all estimated refunds will create the largest burden on small providers and suppliers. The commenter suggested that the final regulation instead require the explanation of the methodology used in any sample to protect the government's interest.

Response: We decline to adopt the commenter's suggestion. We structured the final rule to have certain flexibilities for providers and suppliers to account for the various circumstances that may involve an overpayment. However, providers and suppliers need to calculate an overpayment amount that is reliable and accurate, which in some cases can be accomplished using statistically valid sampling methodologies. This final rule expressly anticipates that providers and suppliers may, but are not required to, use statistical sampling and extrapolation for calculating the overpayment amount. We note that reasonable diligence requires that any statistical sampling be conducted in a manner that conforms to sound and accepted principles. These principles include randomly selecting claims from the population and extrapolating only within the time period covered by the population from which the sample was drawn.

Comment: Many commenters questioned whether the existing self-reported refund process would need to be used to report and return overpayments associated with cost reports. Commenters noted that the proposed rule does not specifically identify a separate process for cost report-related overpayments. If we intended to propose using the self-reported refund process for cost report overpayments, commenters suggested that we reconsider. Commenters stated that the voluntary refund process is not designed for providers, such as federally qualified health centers, returning overpayments identified through the cost reimbursement process, where the overpayment amount is based on the reimbursement of allowable costs, particularly where an overpayment resulted from the inclusion of costs in error or that are otherwise non-reimbursable (in which case no specific claims for payment can be identified for repayment). Requiring the use of the self-reported refund process for these overpayments would be ineffective and inefficient according to commenters. Commenters recommended we clarify that overpayments associated with cost reports be reported and returned through the existing cost reporting process.

Response: We agree with commenters and note that § 401.305(d)(1) allows for overpayments associated with cost reports to be reported through the existing cost report reconciliation process, and does not require the use of the self-reported refund process for overpayments based on cost reports. If an overpayment is identified through the initial submission of a cost report, the cost report should state that the overpayment resulted from reimbursements made at an estimated rate exceeding actual reimbursable costs and the overpayment is submitted along with the transmittal of the cost report to the contractor. Where an overpayment is identified in connection with cost-based reimbursement paid to a provider during a previous cost reporting cycle, the overpayment should be reported by amending or reopening the cost report and the overpayment should be returned by submitting payment along with the amended or reopened cost report.

Comment: A number of commenters requested creation of a materiality or de minimis exception for small-dollar overpayments from the rule. Commenters expressed concern that in many situations the cost and resources associated with reporting and refunding the overpayment would exceed the amount of the overpayment. Commenters stated that the administrative burden to process an overpayment could have a significant negative financial impact on the provider's ability to offer future services. In support of their position, commenters noted that a materiality standard is included in other areas of Medicare payment policy and related fraud and abuse enforcement policies. For example, the Medicare Financial Management Manual (MFMM) instructs Medicare contractors not to attempt recovery of overpayments under $10. (See MFMM Ch. 3, section 170.2 (Rev. 29, January 2, 2004). Similarly, under the physician self-referral law regulations, certain incidental medical staff benefits with limited value (less than $31 for 2012) are exempted. (See 42 CFR 411.357(m)). Moreover, commenters stated that CMS currently follows a materiality threshold of $300 for Medicare Secondary Payer liability recoveries. Under the CMPL, OIG stated that they may enforce the prohibition against improper remuneration to patients when the remuneration exceeds $10 for each item or $50 in the aggregate. (See the August 30, 2002 HHS OIG Special Advisory Bulletin on Offering Gifts and Other Inducements to Beneficiaries (67 FR 55855). Finally, in its Corporate Integrity Agreements (''CIAs''), OIG recognizes a materiality threshold by permitting the offset of underpayments to overpayments for purposes of calculating a net financial error rate, which then is used to determinate whether a sample review must be expanded to a larger review. As such, commenters requested a regulatory de minimis standard for this rule. Suggested minimum monetary thresholds ranged from $5 to $5,000. Alternatively, commenters requested CMS acknowledge that providers and suppliers can and should perform responsible cost and benefit analyses before committing resources to investigate low-dollar overpayments. Some commenters requested a minimum threshold for the voluntary refund program that permitted aggregating small-dollar overpayments identified over a period of time into one submission.

Response: We decline to adopt a minimum monetary threshold in this final rule. We believe adopting a regulatory de minimis standard would be susceptible to abuse, especially in the

context of claims-based overpayments. We also note that some of the examples provided by commenters require clarification. For example, the referenced Medicare Secondary Payer threshold relates to the size of certain liability insurance settlements, not the amount of the debt. In addition, the physician self-referral law's exception for medical staff incidental benefits of low value is not only unrelated to overpayments made to providers, but is also subject to additional program safeguards in order for the exemption to be available. With the exception of the physician self-referral law, we note that the remaining examples are detailed in subregulatory guidance, program instructions, or a negotiated contract with OIG that is applicable only to a specific party. We also disagree with commenter's request to acknowledge cost and benefit analyses before committing resources to investigating a potential overpayment. Providers and suppliers need to take reasonable steps to determine whether they have received overpayments and are required to return any funds received or retained under title XVIII of the Act to which they, after applicable reconciliation, are not entitled under such title.

Given the differences in cost report-related payments and the resources needed on both the provider and the contractor's part in the cost report process, we are considering establishing a minimum monetary threshold for cost report-related overpayments. This threshold would be published in program guidance or future rulemaking.

Comment: Some commenters requested that we exempt small-dollar overpayments from the voluntary refund process. Under the proposed rule, any overpayment would have to be reported and returned through the voluntary refund process, which requires submitting a significant amount of information. Therefore, commenters recommended establishing a minimum threshold overpayment amount under which providers can use existing claims adjustment processes to return the overpayment. Commenters offered the New York State Office of the Medicaid Inspector General (NY OMIG) as an example of a reporting process that has established a $5,000 threshold. According to the comments, if the amount of the overpayment falls below this threshold, providers are permitted to return the overpayment through existing claims adjustment processes.

Response: We decline to establish a regulatory minimum threshold amount for the voluntary refund process. However, we believe that we addressed commenters' concerns by clarifying in the final rule that providers and suppliers may use the most applicable process established by the contractor to report and return, including the claims adjustment process. We note that even under the NY OMIG process offered as an example, overpayments of any size need to be reported and returned.

Comment: Many commenters agreed with the treatment of the CMS Voluntary Self-Referral Disclosure Protocol (SRDP) and the OIG Self-Disclosure Protocol (SDP) as tolling the deadline for returning the overpayment. Commenters requested that CMS clarify that self-disclosure by providers and suppliers to other government entities, such as DOJ and MFCU, would similarly suspend the 60-day deadline.

Response: We finalized the treatment of the SRDP and SDP as tolling the obligation to return the overpayment as proposed. With regard to the SRDP, the requirement to return the overpayment within 60 days of identification is tolled for the full duration of the time that the provider or supplier is negotiating a potential settlement with CMS in accordance with the requirements of the SRDP. While engaged in the SRDP, a provider or supplier is subject to all the requirements of the SRDP, and any subsequent changes or updates to the SRDP instructions issued by CMS, independent of any similar requirements imposed by this rule. At such time that a provider or supplier is no longer actively negotiating a settlement or is not considered to be engaged in the SRDP process, the tolling will no longer be in effect and the provider or supplier is expected to comply with the 60-day returning requirements of this rule. This treatment applies to all providers and suppliers already engaged in the SRDP at the time this final rule is effective as well as those who submit a reported overpayment to the SRDP after the effective date of this rule.

We decline to extend this treatment to self-disclosure to entities outside of the SRDP and SDP in this final rule. The SRDP and SDP are both formal processes managed by agencies within the Department, CMS and OIG respectively. As such, we believe it is appropriate to include those processes in this rule. However, DOJ is a separate department and we are not aware of any formal self-disclosure process by DOJ that is analogous to the SRDP or SDP. Also, we are not aware of a similar MFCU process and, more importantly, Medicaid is not covered in this rulemaking.

Comment: Many commenters questioned treating the SRDP and SDP differently for purposes of satisfying the reporting obligation. In the proposed rule, the SDP submission satisfied the reporting obligation but the SRDP did not, which required the provider to file reports with both the overpayment refund process and the SRDP. Commenters questioned the utility of this duplicative reporting and requested that CMS eliminate it in the final rule.

Response: We agree with commenters and have revised § 401.305(d)(2) to permit the SRDP report to satisfy the reporting obligation in addition to the SDP.

Comment: A commenter requested confirmation that a provider or supplier may provide a single notification to the Department or its contractors to satisfy the report and return requirement and does not also need to use the SDP or SRDP.

Response: Providers and suppliers need to decide who is the most appropriate recipient of the overpayment report and refund as provided in § 401.305(d)—the applicable Medicare contractor, the SDP, or the SRDP. Providers and suppliers should review the SDP and SRDP to determine whether either of those avenues is available. The commenter also appears to believe that overpayments can be reported and returned to the Department, which is incorrect. Sending an overpayment report and refund to anyone other than the appropriate Medicare contractor according to the applicable administrative process (or otherwise following § 401.305(d)) does not conform to any applicable process as discussed in this final rule.

Comment: Some commenters requested guidance on when a contractor would refer an overpayment report to OIG.

Response: Medicare contractors have long been instructed to refer potential fraudulent conduct to law enforcement.

Comment: Many commenters questioned using CMS or OIG's acknowledgement of receipt of the disclosure as the action that suspends the returning deadline. Commenters expressed concern that they do not always receive this acknowledgement in a timely way. Commenters requested CMS use the date the submission was sent to CMS or OIG as the suspension date and require the provider or supplier to retain the appropriate documentation.

Response: We decline to adopt this suggestion. While we understand the concern about receiving a timely acknowledgement response, we believe that this concern does not outweigh the benefit of using the government's acknowledgement to avoid any potential

question as to whether the government actually received the submission. Self-disclosures to the SRDP must be submitted by email to *1877SRDP@cms.hhs.gov.* Parties that send their submission to *1877SRDP@cms.hhs.gov* receive a response email acknowledging receipt of the submission. This response email serves as CMS' acknowledgement of receipt. We understand that parties that send their submission through OIG's SDP online submission portal, *http://oig.hhs.gov/compliance/self-disclosure-info/index.asp,* also receive a response email. We also understand that SDP hard-copy submitters receive an acknowledgement letter from OIG confirming receipt. Either of these communications from OIG serves as the acknowledgement of receipt for purposes of this final rule.

Comment: A commenter questioned what would happen if the provider or supplier and OIG are unable to reach a settlement in the SDP. The proposed rule provided that the deadline for returning overpayments will be suspended when the OIG acknowledges receipt of a submission to the OIG Self-Disclosure Protocol until such time as a settlement agreement is entered, the person withdraws from the OIG Self-Disclosure Protocol, or the person is removed from the Self-Disclosure Protocol. The commenter requested CMS clarify that, if a settlement could not be reached through the SDP, then the provider would have a reasonable amount of time to make a report to the relevant Medicare contractor to meet its obligations under this rule.

Response: This final rule contains the same language as the proposed rule concerning the returning obligation. In the event that a SDP settlement is not reached, the provider or supplier has the balance of the 60-day time period remaining from identification to the suspension of that 60-day period when OIG acknowledged receiving the SDP submission to report and return any overpayment to the contractor. If the overpayment has been identified, we believe that the balance of the 60-day period is a reasonable amount of time to report and return the overpayment to the contractor if the SDP does not result in a settlement. We revised this final rule to clarify that the same rule would apply to a failure to reach a SRDP settlement.

Comment: A commenter requested additional exceptions from the rule or lengthier timeframes for reporting and returning overpayments based upon the size of the provider. The commenter stated that small providers and suppliers may lack the infrastructure to audit claims at the frequency required to be in compliance with the proposed rule.

Response: We decline to adopt the commenter's suggestion. The timeframe is established by the statute does not create different obligations based on provider type or size. We recognize that there is great diversity in the health care industry in provider type and size. All members of that industry who participate in the Medicare program are obligated to ensure they bill Medicare properly and to return overpayments they have received.

Comment: Several commenters objected to the 60-day deadline for reporting and returning an overpayment. Some commenters expressed concern that certain providers and suppliers might not have the resources to complete an investigation within 60 days and that CMS should establish a process for requesting an extension to the 60-day deadline. A commenter suggested that CMS adopt a process that allows the provider to report, but not to return, the overpayment within 60 days. Similarly, another commenter requested that the final rule clarify whether the obligation to report an overpayment is distinct from the obligation to return an overpayment.

Response: The 60-day deadline to report and return is contained in section 1128J(d) of the Act. We believe we addressed the concerns that underlie these comments by clarifying the provider or supplier's ability to conduct reasonable diligence and that this reasonable diligence time period of 6 months is in addition to the 60-day report and return time period, as discussed previously. We considered but declined to establish a new process for reporting, but not returning, overpayments. We believe we have addressed those comments by both the reasonable diligence clarifications and the expansion to using other processes to report and return besides the self-reported refund process.

Comment: Some commenters recommended that that 60-day timeframe for reporting and returning overpayments be reduced to 30 days. These commenters did not believe providers and suppliers should have such a long grace period to keep taxpayer money to which they are not entitled.

Response: We understand the commenters' concerns, but the 60-day deadline to report and return is contained in section 1128J(d) of the Act.

Comment: Several commenters questioned the proposed rule's use of the Extended Repayment Schedule (ERS) and requested that the definition of ''hardship'' and the documentation requirements be changed so that providers and suppliers could more easily utilize ERS. These commenters stated that the hardship standard was too difficult to meet. Commenters also requested more guidance on the documentation requirements for using the ERS. Commenters suggested changing the definition of ''hardship'' to focus on the provider's financial stability and not simply the amount of their Medicare payments and overpayments in comparison to their total Medicare billing. Some commenters suggested that the process be streamlined so that small providers and suppliers may more easily take advantage of ERS. Finally, commenters recommended that the ERS include a provision allowing for a waiver of an obligation to repay an overpayment ''if circumstances exist to merit such waiver.''

Response: We appreciate the comments. In the February 16, 2012 proposed rule (77 FR 9183), we stated that providers or suppliers who needed additional time to return the overpayment due to financial limitations should use the existing ERS process as outlined in Publication 100–06, Chapter 4 of the Financial Management Manual. We also proposed modifying the definition of ''hardship'' in § 401.607 to ensure that providers and suppliers could seek to use ERS by amending the definition to include overpayments reported in accordance with § 401.301 through § 401.305. We noted in the proposed rule (77 FR 9183) that requests for ERS are not automatically granted and that providers and suppliers seeking to use ERS must submit significant documentation to verify true financial hardship. We have added § 401.305(b)(2)(iii) in this final rule to allow for the suspending of the deadline for returning overpayments when a person requests an ERS as defined in § 401.603. Explanation of the ERS and its documentation requirements are contained in Publication 100–06, Chapter 4 of the Financial Management Manual.

Comment: A commenter stated that providers and suppliers do not have access to the same data formats and elements as the contractor. This commenter recommended that CMS create a portal with a unique provider identifier that would allow unlimited access to the National Data Repository.

Response: We appreciate the comment. Questions about data format and elements should be directed to the provider or supplier's applicable contractor. We will consider ways to

further educate providers and suppliers on these issues in the future.

Comment: Some commenters expressed concern about increasing billing errors, and consequent overpayments, when ICD–10 is implemented. These commenters recommended a grace period to accommodate these changes.

Response: We understand the commenters' concerns, but decline to adopt a grace period as suggested. It is unclear from the comments whether they are advocating for a grace period from the requirement to report and return overpayments relating to ICD–10 miscoding or an extension of the 60-day timing requirement. Regardless, we see no basis in section 1128J(d) of the Act to permit either suggestion.

III. Provisions of the Final Regulations

For the most part, this final rule incorporates the provisions of the proposed rule, with the following exceptions:

• In § 401.305 we modified our proposals as follows:

++ In paragraph(a)(1), we revised the requirements for reporting and returning of overpayments to more clearly distinguish between the concepts of receiving and identifying an overpayment. A person that has received an overpayment must report and return in the form and manner required.

++ In paragraph (a)(2), we revised the requirements for reporting and returning of overpayments slightly to remove the terms ''actual knowledge'', ''reckless disregard'', and ''deliberate ignorance'' and to state that a person has identified an overpayment when the person has or should have through the exercise of reasonable diligence determined that the person has received an overpayment and quantified the amount of the overpayment. A person should have determined that the person received an overpayment if the person fails to exercise reasonable diligence and the person in fact received an overpayment.

++ Added a new paragraph (b)(2)(iii) to specify that the deadline for returning overpayments will be suspended when a person requests an extended repayment schedule as defined in § 401.603.

++ Removed proposed paragraph (d), which specified 13 specific data elements that were to be included in the report that providers and suppliers use to report and return overpayments. We subsequently renumbered paragraphs (e) through (g) as (d) through (f).

++ In paragraph (d)(1) (which was proposed paragraph (e)(1)), we revised the allowable reporting process to include an applicable claims adjustment, credit balance, self-reported refund, or other reporting process set forth by the applicable Medicare Contractor. We specified that if the person calculates the overpayment amount using a statistical sampling methodology, the person must describe the statistically valid sampling and extrapolation methodology in the report.

++ In paragraph (d)(2) (which was proposed paragraph (e)(2)), we added disclosure to the CMS Voluntary Self-Referral Disclosure Protocol (SRDP) as a method of satisfying the reporting obligations for self-identified overpayments.

++ In paragraph (f) (which was proposed paragraph(g)), we revised the lookback period from 10 years to 6 years to specify that overpayments must be reported and returned only if a person identifies the overpayment within 6 years of the date the overpayment was received. We carefully considered all of the comments on the lookback period and concluded that a 6-year time period is the most appropriate time period.

• In § 405.980, we—

++ Removed proposed paragraph (b)(6). This paragraph would only apply to reopenings initiated by the contractor.

++ Added paragraph (c)(4) to clarify that a reopening may be requested under § 405.980(c).

IV. Collection of Information Requirements

A. Background

Under the Paperwork Reduction Act of 1995, we are required to provide 30-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to OMB for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

• The need for the information collection and its usefulness in carrying out the proper functions of our agency.

• The accuracy of our estimate of the information collection burden.

• The quality, utility, and clarity of the information to be collected.

• Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

The following is a discussion of the provisions, as stated in section II. of this final rule, that contain information collection requirements.

B. ICR Estimates in the Proposed Rule

Proposed § 401.305 stated that a provider or supplier must (1) report and return an overpayment to the Secretary, the state, an intermediary, a carrier or a contractor to the correct address by the later of 60 days after the overpayment was identified or the date the corresponding cost report is due, and (2) notify the Secretary, the state, an intermediary, a carrier, or a contractor in writing of the reason for the overpayment. The burden associated with this requirement was the time and effort necessary to report and return the overpayment in the manner described at § 401.305.

For purposes of § 401.305 only, we estimated that approximately 125,000 providers and suppliers (or roughly 8.5 percent of the total number of Medicare providers and suppliers) would report and return overpayments in a typical year under our provisions. We estimated this based on the improper payment rate for the Medicare Fee-for-Service program, which was approximately 12 percent in FY 2014 and FY 2015,[4] and we expect that some number of improper payments will be identified by sources other than providers and suppliers themselves. We projected that each of these providers and suppliers would, on average, separately report and return approximately 3 to 5 overpayments. In addition, we estimated that it would take a provider or supplier approximately 2.5 hours to complete the applicable reporting form and return an overpayment.

We are developing an information collection request for OMB review and approval that will authorize the collection of the applicable reporting form. The public will have an opportunity to review the information collection and submit comments. We plan to announce the information collection request under the required 60-day and 30-day **Federal Register** notice and comment periods. These notices will incorporate the process described below and the burden calculated in Table 1, among other processes.

We determined that the two main categories of individuals who would most likely complete and submit the applicable reporting form included: (1) Accountants and auditors (external and in-house); and (2) miscellaneous in-house administrative personnel. Each provider's and supplier's individual operations are different and, as a result,

[4] *https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/CERT/index.html?redirect=/cert.*

it was not possible to break down the percentage of total affected providers or suppliers that would fall within the 2 previously stated categories (for example, percentage of providers that would use an accountant). Consequently, in order to determine the burden cost, we utilized the average hourly wage of these 2 occupational categories based on the most recent wage data provided by the Bureau of Labor Statistics (BLS) data for May 2010. The mean hourly wage for the category of ''accountants and auditors'' was $33.15 (see *http://www.bls.gov/oes/current/oes132011.htm*) and the mean hourly wage for the category of ''bookkeeping, accounting, and auditing clerks'' was $16.99 (*http://www.bls.gov/oes/current/oes433031.htm*). The average of these 2 figures, including fringe benefits and overhead, was $37.10. This lead to an aggregate annual ICR cost burden—attributable to the impacted 125,000 providers and suppliers, and using the range of 3 to 5 overpayments, of $34.78 million and $57.97 million, respectively.

C. Comments Received

We received a number of comments regarding our proposed ICR estimates:

Comment: Several commenters suggested that the burden analysis offered by CMS in the proposed rule was inadequate because it only considered two types of individuals involved in the reporting and returning of overpayments, accountants/auditors and in-house administrative personnel. Commenters suggested that additional and more costly individuals, such as legal counsel and compliance consultants, would be necessary to comply with this rule.

Response: We disagree. We believe only the rarest of circumstances (such as potential fraud or certain investigations of potential violations of the physician self-referral law) would necessitate more costly personnel, such as legal counsel, to comply with this final rule. In the overwhelming majority of cases, we expect overpayment identification and return to be sufficiently handled by accountants, auditors, and in-house administrative personnel.

Comment: Several commenters stated that CMS—(1) underestimated the administrative burden imposed by this rule; and (2) failed to adequately support the assumptions underlying the regulatory impact analysis.

Response: We understand the commenters' concerns regarding the underestimation of the administrative burden and the failure to adequately support assumptions underlying the regulatory impact analysis. Therefore, we have increased the projected ''per report'' burden—which includes researching, reporting, and returning the overpayment—from 2.5 hours to 6 hours to address these concerns. Our assumptions also include our belief that the majority of these 6 hours will be spent researching and identifying the overpayment, and that the time burden for reporting and returning the overpayment after it is identified is minimal.

D. Final Estimated ICR Burden

There are two major changes from our projected burden in the proposed rule. First, as noted previously, we are increasing the ''per report'' hour burden from 2.5 hours to 6 hours. Second, we must use more recent BLS data in calculating the hourly wage.

According to BLS information for May 2014, the national estimated mean hourly wage for the category of ''accountants and auditors'' was $35.42 (see *http://www.bls.gov/oes/current/oes132011.htm*) and the national estimated mean hourly wage for the category of ''bookkeeping, accounting, and auditing clerks'' was $18.30 (*http://www.bls.gov/oes/current/oes433031.htm*). The average of these 2 figures, is $26.86. This does not include fringe benefits and overhead which are generally calculated as being 100% of salary. This means the cost of an hour of work is $53.72.

The following table shows the projected annual ICR hour and cost burdens associated with § 401.305:

TABLE 1—ESTIMATED ICR BURDEN OF § 401.305

Number of reported and returned overpayments per affected provider	OMB Control No.	Respondents	Responses	Burden per response (hours)	Total annual burden (hours)	Hourly labor cost of reporting ($)	Total labor cost of reporting ($)
3	0938—New	125,000	375,000	6	2,250,000	$53.72	$120,870,000
4	0938—New	125,000	500,000	6	3,000,000	53.72	161,160,000
5	0938—New	125,000	625,000	6	3,750,000	53.72	201,450,000

Therefore, we project an annual ICR cost burden of between $120.87 million and $201.45 million. The former represents our low-end estimate, while the latter is our high-end estimate. The $161.16 million estimate represents our primary, or mid-range, projection. While we have used a range of values to illustrate the possible burden estimates that providers may incur, we cannot submit a range of values for OMB approval. For purposes of OMB review and approval, we will use the mid-range estimate related to 4 reported and returned overpayments.

V. Regulatory Impact Statement

A. Background

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any one year).

As discussed earlier in the preamble, even without a final rule, all stakeholders are subject to the statutory requirements found in section 1128J(d) of the Act and could face potential FCA

liability, CMPL liability, and exclusion from federal health care programs for failure to report and return an overpayment. This final rule imposes a new deadline on the return of any overpayment that has been identified. We believe that this change will spur providers and suppliers to be more diligent in reporting and returning overpayments. That will likely increase the overpayments that we collect, but we do not have a basis for estimating the magnitude of that change, and note the substantial uncertainty surrounding the magnitude of new collections. The annual burden costs for reporting and returning of overpayments, as discussed in section IV. of this final rule, are estimated between $120.87 million and $201.45 million. Since there may be years where the burden costs exceed $100 million, we believe this rule is a major rule and economically significant.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.5 million to $38.5 million in any 1 year. With a maximum cost of $201,450,000, we do not believe that the reporting and returning of overpayments identified by providers and suppliers of services will have a significant impact on a substantial number of small entities. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this final rule will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital located outside of the Metropolitan Statistical Area for Medicare payment regulations and that has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined and the Secretary certifies that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2015, that threshold is approximately $144 million. This rule will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it announces a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this final rule does not impose any costs on states or local governments, the requirements of Executive Order 13132 are not applicable.

Comment: A commenter expressed concern that the proposed rule creates an unfunded requirement that forces medical practices to implement self-audits and internal compliance plans, and that CMS did not address this burden in the RIA.

Response: We disagree that this rule creates a requirement for any formal compliance plan or audit strategy; rather, it requires that providers and suppliers maintain responsible business practices and conduct a reasonably diligent inquiry when information indicates that an overpayment may exist.

B. Accounting Statement and Table

As required by OMB Circular A–4 (available at link *http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory_matters_pdf/a-4.pdf*), we have prepared an accounting statement. The entries in Table 2 reflect the application of a 7 percent and 3 percent annualized rate to the high-end, primary, and low-end estimates referred to in section V. of this final rule. The 7 and 3 percent figures were applied over a 10-year period beginning in 2015, with the figures in the accounting statement reflecting the average annualized costs over this period.

The accounting statement does not address the potential financial benefits of this final rule from the standpoint of its effectiveness in recouping overpayments. We do not have sufficient data on which to base a monetary estimate of recovered funds. We note that the only costs associated with this final rule for providers and suppliers involve the actual researching, reporting, and returning of overpayments. For purposes of our RIA estimates, we do not deem the actual refunded overpayment as a cost since it constitutes money to which the provider or supplier was not entitled.

TABLE 2—ACCOUNTING STATEMENT: ESTIMATED COSTS RESULTING FROM REPORTING AND RETURNING OF OVERPAYMENTS

Category	Primary estimates (in $ millions)	Low estimates (in $ millions)	High estimates (in $ millions)	Year dollars	Discount rate (%)	Period covered
Costs:						
Resulting from reporting and returning of overpayments	$161.16	$120.87	$201.45	2015	7	2015-2024
	161.16	120.87	201.45	2015	3	2015-2024
Who Is Affected	Providers and Suppliers.					

C. Alternatives Considered

In light of the statutory mandate in section 6402(a) of the Affordable Care Act, we did not consider any alternatives to the implementation of the proposed provisions. However, we contemplated several operational mechanisms to alleviate the burden on the provider and supplier communities.

First, we proposed a new, unified form as part of the reporting and returning process in our proposed rule. However, the comments received indicated that this could cause needless additional burden. Instead, we elected to utilize existing processes for reporting and returning, including the voluntary refund process. This would allow providers and suppliers to use a reporting mechanism with which they are already familiar. After reviewing the

comments, we raised the burden to 6 hours for identifying and reporting and returning, but that is lower than if we had finalized our plan to develop a new singular form for reporting and returning.

Second, we contemplated the appropriate length of time in which overpayments must be reported and returned. A time period of 10 years was proposed, as this is the outer limit of the FCA statute of limitations. We solicited comment on this issue, and as discussed at length in section II.C.3. of this final rule, we agreed with commenters that a period of 6 years was more appropriate and will reduce the burden imposed on providers and suppliers by this final rule compared to the longer proposed lookback period of 10 years.

D. Beneficiary Access

We do not anticipate any impact on beneficiary access to care as a result of this rule. As noted previously, the only burden associated with our proposed provisions involves the ICR aspects of reporting and returning overpayments. We do not believe that this burden—which, in any event, would only affect a small percentage of providers and suppliers—would cause a particular provider or supplier to reduce the services it furnishes to beneficiaries.

In accordance with the provisions of Executive Order 12866, this rule was reviewed by OMB.

List of Subjects

42 CFR Part 401

Claims, Freedom of information, Health facilities, Medicare, Privacy.

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medical devices, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 401—GENERAL ADMINISTRATIVE REQUIREMENTS

■ 1. The authority citation for part 401 continues to read as follows:

Authority: Secs. 1102, 1871, and 1874(e) of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395w–5).

■ 2. Part 401 is amended by adding subpart D to read as follows:

Subpart D—Reporting and Returning of Overpayments

Sec.

401.301 Basis and scope.
401.303 Definitions.
401.305 Requirements for reporting and returning of overpayments.

Subpart D—Reporting and Returning of Overpayments

§ 401.301 Basis and scope.

This subpart sets forth the policies and procedures for reporting and returning overpayments to the Medicare program for providers and suppliers of services under Parts A and B of title XVIII of the Act as required by section 1128J(d) of the Act.

§ 401.303 Definitions.

For purposes of this subpart—

Medicare contractor means a Part A/Part B Medicare Administrative Contractor (A/B MAC) or a Durable Medical Equipment Medicare Administrative Contractor (DME MAC).

Overpayment means any funds that a person has received or retained under title XVIII of the Act to which the person, after applicable reconciliation, is not entitled under such title.

Person means a provider (as defined in § 400.202 of this chapter) or a supplier (as defined in § 400.202 of this chapter).

§ 401.305 Requirements for reporting and returning of overpayments.

(a) *General.* (1) A person that has received an overpayment must report and return the overpayment in the form and manner set forth in this section.

(2) A person has identified an overpayment when the person has, or should have through the exercise of reasonable diligence, determined that the person has received an overpayment and quantified the amount of the overpayment. A person should have determined that the person received an overpayment and quantified the amount of the overpayment if the person fails to exercise reasonable diligence and the person in fact received an overpayment.

(b) *Deadline for reporting and returning overpayments.* (1) A person who has received an overpayment must report and return the overpayment by the later of either of the following:

(i) The date which is 60 days after the date on which the overpayment was identified.

(ii) The date any corresponding cost report is due, if applicable.

(2) The deadline for returning overpayments will be suspended when the following occurs:

(i) OIG acknowledges receipt of a submission to the OIG Self-Disclosure Protocol and will remain suspended until such time as a settlement agreement is entered, the person withdraws from the OIG Self-Disclosure Protocol, or the person is removed from the OIG Self-Disclosure Protocol.

(ii) CMS acknowledges receipt of a submission to the CMS Voluntary Self-Referral Disclosure Protocol and will remain suspended until such time as a settlement agreement is entered, the person withdraws from the CMS Voluntary Self-Referral Disclosure Protocol, or the person is removed from the CMS Voluntary Self-Referral Disclosure Protocol.

(iii) A person requests an extended repayment schedule as defined in § 401.603 and will remain suspended until such time as CMS or one of its contractors rejects the extended repayment schedule request or the provider or supplier fails to comply with the terms of the extended repayment schedule.

(c) *Applicable reconciliation.* (1) The applicable reconciliation occurs when a cost report is filed; and

(2) In instances when the provider—

(i) Receives more recent CMS information on the SSI ratio, the provider is not required to return any overpayment resulting from the updated information until the final reconciliation of the provider's cost report occurs; or

(ii) Knows that an outlier reconciliation will be performed, the provider is not required to estimate the change in reimbursement and return the estimated overpayment until the final reconciliation of that cost report.

(d) *Reporting.* (1) A person must use an applicable claims adjustment, credit balance, self-reported refund, or other reporting process set forth by the applicable Medicare contractor to report an overpayment, except as provided in paragraph (d)(2) of this section. If the person calculates the overpayment amount using a statistical sampling methodology, the person must describe the statistically valid sampling and extrapolation methodology in the report.

(2) A person satisfies the reporting obligations of this section by making a disclosure under the OIG's Self-Disclosure Protocol or the CMS Voluntary Self-Referral Disclosure Protocol resulting in a settlement agreement using the process described in the respective protocol.

(e) *Enforcement.* Any overpayment retained by a person after the deadline for reporting and returning the overpayment specified in paragraph (b) of this section is an obligation for purposes of 31 U.S.C. 3729.

(f) *Lookback period.* An overpayment must be reported and returned in accordance with this section if a person identifies the overpayment, as defined

in paragraph (a)(2) of this section, within 6 years of the date the overpayment was received.

§ 401.607 [Amended]

■ 3. In § 401.607(c)(2)(i), the definition of ''Hardship'' is amended by removing the phrase ''outstanding overpayments (principal and interest)'' and adding in its place the phrase ''outstanding overpayments (principal and interest and including overpayments reported in accordance with §§ 401.301 through 401.305)''.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

■ 4. The authority citation for part 405 continues to read as follows:

Authority: Secs. 205(a), 1102, 1861, 1862(a), 1869, 1871, 1874, 1881, and 1886(k) of the Social Security Act (42 U.S.C. 405(a), 1302, 1395x, 1395y(a), 1395ff, 1395hh, 1395kk, 1395rr and 1395ww(k)), and sec. 353 of the Public Health Service Act (42 U.S.C. 263a).

■ 5. Section 405.980 is amended by adding paragraph (c)(4) to read as follows:

§ 405.980 Reopenings of initial determinations, redeterminations, reconsiderations, hearings, and reviews.

* * * * *

(c) * * *

(4) A party may request that a contractor reopen an initial determination for the purpose of reporting and returning an overpayment under § 401.305 of this chapter.

* * * * *

Dated: August 27, 2015.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: February 5, 2016.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2016–02789 Filed 2–11–16; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL REGISTER

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Part IV

The President

Executive Order 13719—Establishment of the Federal Privacy Council

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Presidential Documents

Title 3—

The President

Executive Order 13719 of February 9, 2016

Establishment of the Federal Privacy Council

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* The mission of the United States Government is to serve its people. In order to accomplish its mission, the Government lawfully collects, maintains, and uses large amounts of information about people in a wide range of contexts. Protecting privacy in the collection and handling of this information is fundamental to the successful accomplishment of the Government's mission. The proper functioning of Government requires the public's trust, and to maintain that trust the Government must strive to uphold the highest standards for collecting, maintaining, and using personal data. Privacy has been at the heart of our democracy from its inception, and we need it now more than ever.

Executive departments and agencies (agencies) already take seriously their mission to protect privacy and have been working diligently to advance that mission through existing interagency mechanisms. Today's challenges, however, require that we find even more effective and innovative ways to improve the Government's efforts. Our efforts to meet these new challenges and preserve our core value of privacy, while delivering better and more effective Government services for the American people, demand leadership and enhanced coordination and collaboration among a diverse group of stakeholders and experts.

Therefore, it shall be the policy of the United States Government that agencies shall establish an interagency support structure that: builds on existing interagency efforts to protect privacy and provides expertise and assistance to agencies; expands the skill and career development opportunities of agency privacy professionals; improves the management of agency privacy programs by identifying and sharing lessons learned and best practices; and promotes collaboration between and among agency privacy professionals to reduce unnecessary duplication of efforts and to ensure the effective, efficient, and consistent implementation of privacy policy Government-wide.

Sec. 2. *Policy on Senior Agency Officials for Privacy.* Within 120 days of the date of this order, the Director of the Office of Management and Budget (Director) shall issue a revised policy on the role and designation of the Senior Agency Officials for Privacy. The policy shall provide guidance on the Senior Agency Official for Privacy's responsibilities at their agencies, required level of expertise, adequate level of resources, and other matters as determined by the Director. Agencies shall implement the requirements of the policy within a reasonable time frame as prescribed by the Director and consistent with applicable law.

Sec. 3. *Responsibilities of Agency Heads.* The head of each agency, consistent with guidance to be issued by the Director as required in section 2 of this order, shall designate or re-designate a Senior Agency Official for Privacy with the experience and skills necessary to manage an agency-wide privacy program. In addition, the head of each agency, to the extent permitted by law and consistent with ongoing activities, shall work with the Federal Privacy Council, established in section 4 of this order.

Sec. 4. *The Federal Privacy Council.*

(a) *Establishment.* There is hereby established the Federal Privacy Council (Privacy Council) as the principal interagency forum to improve the Government privacy practices of agencies and entities acting on their behalf. The establishment of the Privacy Council will help Senior Agency Officials for Privacy at agencies better coordinate and collaborate, educate the Federal workforce, and exchange best practices. The activities of the Privacy Council will reinforce the essential work that agency privacy officials undertake every day to protect privacy.

(b) *Membership.* The Chair of the Privacy Council shall be the Deputy Director for Management of the Office of Management and Budget. The Chair may designate a Vice Chair, establish working groups, and assign responsibilities for operations of the Privacy Council as he or she deems necessary. In addition to the Chair, the Privacy Council shall be composed of the Senior Agency Officials for Privacy at the following agencies:

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or othewise affect:

(i) Department of State;

(ii) Department of the Treasury;

(iii) Department of Defense;

(iv) Department of Justice;

(v) Department of the Interior;

(vi) Department of Agriculture;

(vii) Department of Commerce;

(viii) Department of Labor;

(ix) Department of Health and Human Services;

(x) Department of Homeland Security;

(xi) Department of Housing and Urban Development;

(xii) Department of Transportation;

(xiii) Department of Energy;

(xiv) Department of Education;

(xv) Department of Veterans Affairs;

(xvi) Environmental Protection Agency;

(xvii) Office of the Director of National Intelligence;

(xviii) Small Business Administration;

(xix) National Aeronautics and Space Administration;

(xx) Agency for International Development;

(xxi) General Services Administration;

(xxii) National Science Foundation;

(xxiii) Office of Personnel Management; and

(xxiv) National Archives and Records Administration.

The Privacy Council may also include other officials from agencies and offices, as the Chair may designate, and the Chair may invite the participation of officials from such independent agencies as he or she deems appropriate.

(c) *Functions.* The Privacy Council shall:

(i) develop recommendations for the Office of Management and Budget on Federal Government privacy policies and requirements;

(ii) coordinate and share ideas, best practices, and approaches for protecting privacy and implementing appropriate privacy safeguards;

(iii) assess and recommend how best to address the hiring, training, and professional development needs of the Federal Government with respect to privacy matters; and

(iv) perform other privacy-related functions, consistent with law, as designated by the Chair.

(d) *Coordination.*

(i) The Chair and the Privacy Council shall coordinate with the Federal Chief Information Officers Council (CIO Council) to promote consistency and efficiency across the executive branch when addressing privacy and information security issues. In addition, the Chairs of the Privacy Council and the CIO Council shall coordinate to ensure that the work of the two councils is complementary and not duplicative.

(ii) The Chair and the Privacy Council should coordinate, as appropriate, with such other interagency councils and councils and offices within the Executive Office of the President, as appropriate, including the President's Management Council, the Chief Financial Officers Council, the President's Council on Integrity and Efficiency, the National Science and Technology Council, the National Economic Council, the Domestic Policy Council, the National Security Council staff, the Office of Science and Technology Policy, the Interagency Council on Statistical Policy, the Federal Acquisition Regulatory Council, and the Small Agency Council.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department, agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) Independent agencies are encouraged to comply with the requirements of this order.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

February 9, 2016.

[FR Doc. 2016–03141

Filed 2–11–16; 11:15 am]

Billing code 3295–F6–P

FEDERAL REGISTER

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Part V

The President

Order of February 9, 2016—Sequestration Order for Fiscal Year 2017 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as Amended

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Presidential Documents

Title 3—

The President

Order of February 9, 2016

Sequestration Order for Fiscal Year 2017 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as Amended

By the authority vested in me as President by the laws of the United States of America, and in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act (the ''Act''), as amended, 2 U.S.C. 901a, I hereby order that, on October 1, 2016, direct spending budgetary resources for fiscal year 2017 in each non-exempt budget account be reduced by the amount calculated by the Office of Management and Budget in its report to the Congress of February 9, 2016.

All sequestrations shall be made in strict accordance with the requirements of section 251A of the Act and the specifications of the Office of Management and Budget's report of February 9, 2016, prepared pursuant to section 251A(9) of the Act.

THE WHITE HOUSE,
February 9, 2016.

[FR Doc. 2016–03170
Filed 2–11–16; 11:15 am]
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