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Rules and Regulations

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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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN20

Prevailing Rate Systems; Definition of Hancock County, Mississippi, to a Nonappropriated Fund Federal Wage System Wage Area

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a final rule to define Hancock County, Mississippi, as an area of application county to the Harrison, MS, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because there are four NAF FWS employees working in Hancock County, and the county is not currently defined to a NAF wage area.

DATES:

Effective date: This regulation is effective on February 22, 2016.

Applicability date: This change applies on the first day of the first applicable pay period beginning on or after March 23, 2016.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2858 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On August 27, 2015, OPM issued a proposed rule (80 FR 51963) to define Hancock County, MS, as an area of application county to the Harrison, MS, NAF FWS wage area.

FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and recommended this change by consensus.

The proposed rule had a 30-day comment period, during which OPM received no comments.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

Accordingly, the U.S. Office of Personnel Management is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. Appendix D to subpart B is amended by revising the wage area listing for the Harrison, Mississippi, NAF wage areas to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

MISSISSIPPI

* * * * *

Harrison

Survey Area

Mississippi:
Harrison

Area of Application. Survey area plus:

Alabama:
Mobile
Mississippi:
Forrest
Hancock
Jackson

* * * * *

[FR Doc. 2016–03588 Filed 2–19–16; 8:45 am]

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FEDERAL HOUSING FINANCE AGENCY

12 CFR Parts 1209 and 1250

RIN 2590–AA77

Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustment

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is issuing this final rule amending its rules of practice and procedure to adjust each civil money penalty within its jurisdiction to account for inflation, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: Effective February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Stephen E. Hart, Deputy General Counsel, at (202) 649–3053, *Stephen.Hart@fhfa.gov,* or Frank R. Wright, Senior Counsel, at (202) 649–3087, *Frank.Wright@fhfa.gov* (not toll-free numbers); Federal Housing Finance Agency, 400 7th Street SW., Washington, DC 20219. The telephone number for the Telecommunications Device for the Hearing Impaired is: (800) 877–8339 (TDD only).

SUPPLEMENTARY INFORMATION:

I. Background

The FHFA is an independent agency of the Federal government, and the financial safety and soundness regulator of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises), as well as the Federal Home Loan Banks (collectively, the Banks) and the Office of Finance under authority granted by the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act).[1] FHFA oversees the Enterprises and Banks (collectively, the regulated entities) to ensure that they operate in a safe and sound manner and

[1] *See* Federal Housing Enterprises Financial Safety and Soundness Act of 1992, Public Law 102–550, 106 Stat. 4078 (Oct. 28, 1992) as amended by the Federal Housing Finance Regulatory Reform Act of 2008, Public Law 110–289, 122 Stat. 2654, sections 1101 *et seq.* (July 30, 2008).

maintain liquidity in the housing finance market in accordance with applicable laws, rules and regulations. To that end, FHFA is vested with broad supervisory discretion and specific civil administrative enforcement powers, similar to such authority granted by Congress to the Federal bank regulatory agencies.[2] In particular, section 1376 of the Act (12 U.S.C. 4636) empowers FHFA to impose civil money penalties under specific conditions. FHFA's Rules of Practice and Procedure (12 CFR part 1209) govern cease and desist proceedings, civil money penalty assessment proceedings, and other administrative adjudications.[3] FHFA's Flood Insurance regulation (12 CFR part 1250) governs flood insurance responsibilities as they pertain to the Enterprises.[4]

The Inflation Adjustment Act

The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (the Inflation Adjustment Act) requires FHFA, as well as other Federal agencies with the authority to issue civil money penalties (CMPs), to adjust by regulation the maximum amount of each CMP authorized by law that the agency has jurisdiction to administer.[5] The Inflation Adjustment Act required agencies to make an initial adjustment of their CMPs upon the statute's enactment, and further requires agencies to make additional adjustments on an ongoing basis, every four years following the initial adjustment. The purpose of these periodic adjustments is to maintain the deterrent effect of CMPs and promote compliance with the law. Subpart E of FHFA's Rules of Practice and Procedure sets forth the Civil Money Penalty Inflation Adjustment amounts and prescribes their applicability. *See* 12 CFR 1209.81.[6]

Under the Inflation Adjustment Act, the inflation adjustment for each applicable CMP is determined by increasing the maximum CMP amount per violation by a cost-of-living adjustment. As described in detail below, the Inflation Adjustment Act provides that this cost-of-living adjustment reflect the percentage increase in the Consumer Price Index since the CMPs were last adjusted or established, and rounded in accordance with rules provided in the statute.[7]

II. Differences

When promulgating any regulation that may have future affect relating to the Banks, the Director is required by section 1201 of HERA to consider the differences between the Banks and the Enterprises with respect to the Banks' cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; and joint and several liability. *See* section 1201 Public Law 110–289, 122 Stat. 2782–83 (*amending* 12 U.S.C. 4513(f)[sic]).[8] The Director considered the differences between the Banks and the Enterprises, as they relate to the above factors, and determined that the rule is appropriate. In sum, the five differences identified in section 1201 of HERA do not require a different enforcement regulation for the Banks than for the Enterprises. Therefore, the comparative analysis under section 1201 of HERA undertaken for the proposed rule required no changes.

III. Description of the Rule

This final rule adjusts the maximum penalty amount within each of the three tiers specified in 12 U.S.C. 4636 by amending the table contained in 12 CFR 1209.80 to reflect the new adjusted maximum penalty amount that FHFA may impose upon a regulated entity or any entity-affiliated party within each tier. The increases in maximum penalty amounts contained in this final rule may not necessarily affect the amount of any CMP that FHFA may seek for a particular violation; FHFA would calculate each CMP on a case-by-case basis in light of a variety of factors.[9] This final rule also adjusts the maximum penalty amounts for violations under the FHFA Flood Insurance regulation by amending the text of 12 CFR 1250.3 to reflect the new adjusted maximum penalty amount that FHFA may impose for violations under that regulation.

The Inflation Adjustment Act directs federal agencies to calculate each CMP adjustment as the percentage by which the CPI–U for June of the calendar year preceding the adjustment exceeds the CPI–U for June of the calendar year in which the amount of each CMP was last set or adjusted. The maximum CMP amounts for FHFA penalties under 12 U.S.C. 4636 were set in 2008.[10] Since FHFA is making this round of adjustments in calendar year 2016, and the maximum CMP amounts were last set in calendar year 2008, the inflation adjustment amount for each maximum CMP amount was calculated by comparing the CPI–U for June 2008 (218.8) with the CPI–U for June 2015 (238.6), resulting in an inflation factor of 1.0905. For each maximum CMP amount, the product of this inflation adjustment and the previous maximum penalty amount was then rounded in accordance with the specific requirements of the Inflation Adjustment Act, and was then summed with the previous maximum penalty amount to determine the new adjusted maximum penalty amount.[11] The table below sets out these items accordingly.

U.S. Code citation	Description	Previous maximum penalty amount	Inflation increase	Rounded inflation increase	New adjusted maximum penalty amount
12 U.S.C. 4636(b)(1)	First Tier	10,000	905	1,000	11,000
12 U.S.C. 4636(b)(2)	Second Tier	50,000	4,525	5,000	55,000
12 U.S.C. 4636(b)(4)	Third Tier (Entity-affiliated party and Regulated entity).	2,000,000	181,000	175,000	2,175,000

[2] *See* Safety and Soundness Act, 12 U.S.C. 4513 and 4631–4641.

[3] *See* 12 CFR part 1209.

[4] *See* 12 CFR part 1250.

[5] *See* 28 U.S.C. 2461 note.

[6] Periodic inflation adjustments of the FHFA Flood Insurance regulation are set forth in 12 CFR 1250.3.

[7] The Inflation Adjustment Act specifically identifies the Consumer Price Index for All Urban Consumers published by the United States Department of Labor (CPI–U).

[8] So in original; no paragraphs (d) and (e) were enacted. *See* 12 U.S.C.A. 4513 n 1.

[9] *See, e.g.,* 12 CFR 1209.7(c); FHFA Enforcement Policy, AB 2013–03 (May 31, 2013).

[10] *See* 12 U.S.C. 4636.

[11] The statute's rounding rules require that each increase be rounded to the nearest multiple as follows: $10 in the case of penalties less than or equal to $100; $100 in the case of penalties greater than $100 but less than or equal to $1,000; $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000; $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000; $10,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; and $25,000 in the case of penalties greater than $200,000.

The CMP for FHFA penalties under the Flood Insurance regulation were set in 2009.[12] Since FHFA is making this round of adjustments in calendar year 2016, and the maximum CMP amounts were last set in calendar year 2009, the inflation adjustment amount for each maximum CMP amount was calculated by comparing the CPI–U for June 2009 (215.7) with the CPI–U for June 2015 (238.6), resulting in an inflation factor of 1.1061. The table below sets out these items accordingly.

U.S. Code citation	Description	Previous maximum penalty amount	Inflation increase	Rounded inflation increase	New adjusted maximum penalty amount
42 U.S.C. 4012a(f)(5)	Maximum penalty per violation	485	51.55	100	585
42 U.S.C. 4012a(f)(5)	Maximum total penalties assessed against an Enterprise in a calendar year.	140,000	14,854	10,000	150,000

IV. Regulatory Impact

Administrative Procedure Act

FHFA finds good cause that notice and an opportunity to comment on this document are unnecessary under section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b). This rulemaking conforms with and is consistent with the statutory directive set forth in the Inflation Adjustment Act. As a result, there are no issues of policy discretion about which to seek public comment. Accordingly, FHFA is issuing the amendments as a final rule.

In addition, FHFA finds good cause to make this rule effective upon publication of this document in the **Federal Register** under the APA. *See* 5 U.S.C. 553(d). This final rule does not impose any additional responsibilities on any entity and therefore requires no adjustment to any entity's current operations, policies, or practices. Instead, it simply adjusts the amount of each CMP tier as dictated by the Inflation Adjustment Act.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA),[13] an agency must prepare a regulatory flexibility analysis for all proposed and final rules that describes the impact of the rule on small entities, unless the head of an agency certifies that the rule will not have ''a significant economic impact on a substantial number of small entities.'' However, the RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the APA.[14] As discussed above, FHFA has determined for good cause that the APA does not require notice and public comment on this rule and, therefore, FHFA is not publishing a general notice of proposed rulemaking. Thus, the RFA does not apply to this final rule.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) requires that regulations involving the collection of information receive clearance from the Office of Management and Budget (OMB). This rule contains no such collection of information requiring OMB approval under the Paperwork Reduction Act. Consequently, no information has been submitted to OMB for review.

List of Subjects

12 CFR Part 1209

Administrative practice and procedure, Penalties.

12 CFR Part 1250

Flood insurance, Government-sponsored enterprises, Penalties, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION** and under the authority of 12 U.S.C. 4513b and 12 U.S.C. 4526, the Federal Housing Finance Agency hereby amends subchapters A and C of chapter XII of Title 12 of the Code of Federal Regulations as follows:

SUBCHAPTER A—ORGANIZATION AND OPERATIONS

PART 1209—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1209 continues to read as follows:

Authority: 5 U.S.C. 554, 556, 557, and 701 *et seq.;* 12 U.S.C. 1430c(d); 12 U.S.C. 4501, 4502, 4503, 4511, 4513, 4513b, 4517, 4526, 4566(c)(1) and (c)(7), 4581–4588, 4631–4641; and 28 U.S.C. 2461 note.

■ 2. Revise § 1209.80 to read as follows:

§ 1209.80 Inflation adjustments.

The maximum amount of each civil money penalty within FHFA's jurisdiction, as set by the Safety and Soundness Act and thereafter adjusted in accordance with the Inflation Adjustment Act, is as follows:

U.S. Code citation	Description	New adjusted maximum penalty amount
12 U.S.C. 4636(b)(1)	First Tier	$11,000
12 U.S.C. 4636(b)(2)	Second Tier	55,000
12 U.S.C. 4636(b)(4)	Third Tier (Entity-Affiliated party)	2,175,000
12 U.S.C. 4636(b)(4)	Third Tier (Regulated entity)	2,175,000

■ 3. Revise § 1209.81 to read as follows:

§ 1209.81 Applicability.

The inflation adjustments set out in § 1209.80 shall apply to civil money penalties assessed in accordance with the provisions of the Safety and Soundness Act, 12 U.S.C. 4636, and subparts B and C of this part, for

[12] *See* 74 FR 2349 (Jan. 15, 2009).

[13] 5 U.S.C. 603.

[14] 5 U.S.C. 603(a), 604(a).

violations occurring after February 22, 2016.

SUBCHAPTER C—ENTERPRISES

PART 1250—FLOOD INSURANCE

■ 4. The authority citation for part 1250 continues to read as follows:

Authority: 12 U.S.C. 4521(a)(4) and 4526; 28 U.S.C. 2461 note; 42 U.S.C. 4001 note; 42 U.S.C. 4012a(f)(3), (4), (5), (8), (9), and (10).

■ 5. Revise § 1250.3(c) to read as follows:

§ 1250.3 Civil money penalties.

* * * * *

(c) *Amount.* The maximum civil money penalty amount is $485 for each violation that occurs before February 22, 2016, with total penalties not to exceed $140,000. For violations that occur on or after February 22, 2016, the civil money penalty under this section may not exceed $585 for each violation, with total penalties assessed under this section against an Enterprise during any calendar year not to exceed $150,000.

* * * * *

Dated: February 15, 2016.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2016–03631 Filed 2–19–16; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2456; Directorate Identifier 2015–NM–032–AD; Amendment 39–18401; AD 2016–04–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 767 airplanes. This AD was prompted by reports of cracking at a central part of the structure. This AD requires repetitive inspections of the skin hidden by the upper and lower splice fittings on both sides of the fuselage, and corrective action if necessary. We are issuing this AD to detect and correct fatigue cracking of the hidden fuselage skin and cracking, corrosion, and other damage to the splice fittings and adjacent visible fuselage skin and structure that could lead to loss of a primary load path between the fuselage and the wing box, and consequent reduced structural integrity of the airplane.

DATES: This AD is effective March 28, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 28, 2016.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2456.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2456; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 767 airplanes. The NPRM published in the **Federal Register** on July 6, 2015 (80 FR 38408) (''the NPRM''). The NPRM was prompted by reports of cracking at a central part of the structure. The NPRM proposed to require repetitive inspections of the skin hidden by the upper and lower splice fittings on both sides of the fuselage, and corrective action if necessary. We are issuing this AD to detect and correct fatigue cracking of the hidden fuselage skin and cracking, corrosion, and other damage to the splice fittings and adjacent visible fuselage skin and structure that could lead to loss of a primary load path between the fuselage and the wing box, and consequent reduced structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment. Boeing stated that it concurs with the NPRM. United Parcel Service (UPS) and United Airlines stated that they have no comments on the NPRM. FedEx Express provided information on how the NPRM affects its fleet but made no requests.

Request Clarification on the Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027f43b9a7486e86257b1d006591ee/$FILE/ST01920SE.pdf*) does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added new paragraph (c)(2) to this AD to state that installation of STC ST01920SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

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

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

We also determined that these changes will not increase the economic

burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 767–53A0263, dated January 12, 2015. The service information describes procedures for repetitive inspections of the skin and splice fittings at stringer 29, body station 786 ring chord. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 430 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	9 work-hours × $85 per hour = $765 per inspection cycle.	$0	$765 per inspection cycle.	$328,950 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–04–07 The Boeing Company: Amendment 39–18401; Docket No. FAA–2015–2456; Directorate Identifier 2015–NM–032–AD.

(a) Effective Date

This AD is effective March 28, 2016.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027f43b9a7486e86257b1d006591ee/$FILE/ST01920SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking at a central part of the structure that includes the station 786 ring chord at the tension bolt hole common to the wing front spar lower chord and the internal bathtub fittings. We are issuing this AD to detect and correct fatigue cracking of the hidden fuselage skin and cracking, corrosion, and other damage to the splice fittings and adjacent visible fuselage skin and structure that could lead to loss of a primary load path between the fuselage and the wing box, and consequent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–53A0263, dated January 12, 2015, except as required by paragraph (h) of this AD, do external ultrasonic and detailed inspections to detect cracking, corrosion, or other damage at the splice fitting location, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–53A0263, dated January 12, 2015.

(1) If any cracking, corrosion, or other damage is not found, repeat the inspections at intervals not to exceed 6,000 flight cycles or 18,000 flight hours, whichever occurs first. Accomplishing a repair as specified in paragraph (g)(2) of this AD terminates the repetitive inspections in the repaired area only.

(2) If any cracking, corrosion, or other damage is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD. The repetitive inspections of paragraph (g)(1) are terminated in the repaired area only.

(h) Exception to Service Information Specifications

Where Boeing Alert Service Bulletin 767–53A0263, dated January 12, 2015, specifies a compliance time ''after the original issue date

of this Service Bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 767–53A0263, dated January 12, 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

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

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

Issued in Renton, Washington on February 10, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–03456 Filed 2–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM81–19–000]

Natural Gas Pipelines; Project Cost and Annual Limits

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.308(x)(1), the Director of the Office of Energy Projects (OEP) computes and publishes the project cost and annual limits for natural gas pipelines blanket construction certificates for each calendar year.

DATES: This final rule is effective February 22, 2016 and establishes cost limits applicable from January 1, 2016 through December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Marsha K. Palazzi, Chief, Certificates Branch 2, Division of Pipeline Certificates, (202) 502–6785.

Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC ¶ 61,216). Section 157.215(a) specifies the calendar year dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the ''limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GDP implicit price deflator' published by the Department of Commerce for the previous calendar year.''

Pursuant to 375.308(x)(1) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Energy Projects. The cost limits for calendar year 2014, as published in Table I of 157.208(d) and Table II of § 157.215(a), are hereby issued.

Effective Date

This final rule is effective February 22, 2016. The provisions of 5 U.S.C. 804 regarding Congressional review of Final Rules does not apply to the Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. The Final Rule merely updates amounts published in the Code of Federal Regulations to reflect the Department of Commerce's latest annual determination of the Gross Domestic Product (GDP) implicit price deflator, a mathematical updating required by the Commission's existing regulations.

List of Subjects in 18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

Issued: February 11, 2016.

Ann Miles,

Director, Office of Energy Projects.

Accordingly, 18 CFR part 157 is amended as follows:

PART 157—[AMENDED]

■ 1. The authority citation for Part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

■ 2. Table I in § 157.208(d) is revised to read as follows:

§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.

* * * * *

(d) * * *

TABLE I

Year	Limit	
	Auto. proj. cost limit (Col.1)	Prior notice proj. cost limit (Col.2)
1982	$4,200,000	$12,000,000

TABLE I—Continued

Year	Limit	
	Auto. proj. cost limit (Col.1)	Prior notice proj. cost limit (Col.2)
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000
1991	6,000,000	16,700,000
1992	6,200,000	17,300,000
1993	6,400,000	17,700,000
1994	6,600,000	18,100,000
1995	6,700,000	18,400,000
1996	6,900,000	18,800,000
1997	7,000,000	19,200,000
1998	7,100,000	19,600,000
1999	7,200,000	19,800,000
2000	7,300,000	20,200,000
2001	7,400,000	20,600,000
2002	7,500,000	21,000,000
2003	7,600,000	21,200,000
2004	7,800,000	21,600,000
2005	8,000,000	22,000,000
2006	9,600,000	27,400,000
2007	9,900,000	28,200,000
2008	10,200,000	29,000,000
2009	10,400,000	29,600,000
2010	10,500,000	29,900,000
2011	10,600,000	30,200,000
2012	10,800,000	30,800,000
2013	11,000,000	31,400,000
2014	11,200,000	31,900,000
2015	11,400,000	32,300,000
2016	11,600,000	32,800,000

* * * * *

■ 3. Table II in § 157.215(a)(5) is revised to read as follows:

§ 157.215 Underground storage testing and development.

(a) * * *

(5) * * *

TABLE II

Year	Limit
1982	$2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000
1988	3,400,000
1989	3,500,000
1990	3,600,000
1991	3,800,000
1992	3,900,000
1993	4,000,000
1994	4,100,000
1995	4,200,000
1996	4,300,000
1997	4,400,000
1998	4,500,000
1999	4,550,000
2000	4,650,000
2001	4,750,000

TABLE II—Continued

Year	Limit
2002	4,850,000
2003	4,900,000
2004	5,000,000
2005	5,100,000
2006	5,250,000
2007	5,400,000
2008	5,550,000
2009	5,600,000
2010	5,700,000
2011	5,750,000
2012	5,850,000
2013	6,000,000
2014	6,100,000
2015	6,200,000
2016	6,300,000

* * * * *

[FR Doc. 2016–03507 Filed 2–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0124]

Drawbridge Operation Regulation; Snohomish River and Steamboat Slough, Everett and Marysville, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 529 highway bridges across the Snohomish River, mile 3.6 near Everett, WA, and the SR 529 highway bridges across Steamboat Slough, mile 1.1 and 1.2, near Marysville, WA. The deviation is necessary to accommodate the Everett Marathon. The deviation allows the bridges to remain in the closed-to-navigation position to allow for the safe movement of event participants.

DATES: This deviation is effective from 7:30 a.m. to 11:00 a.m. on April 10, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0124] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation (WSDOT) requested permission for the SR 529 highway bridges across the Snohomish River and Steamboat Slough to remain in the closed-to-navigation position to facilitate the safe, uninterrupted roadway passage of participants in the Everett Marathon. The SR 529 highway bridge over the Snohomish River at mile 3.6 provides 37 feet of vertical clearance above mean high water elevation while in the closed position. This bridge operate in accordance with 33 CFR 117.1059(c). The SR 529 highway bridge over Steamboat Slough at mile 1.1 and 1.2 provides 10 feet of vertical clearance above mean high water elevation while in the closed position. This bridge operate in accordance with 33 CFR 117.1059(g). This deviation allows the SR 529 bridges crossing the Snohomish River and Steamboat Slough to remain in the closed-to-navigation position from 7:30 a.m. to 11:00 a.m. on April 10, 2016. The bridges shall operate in accordance to 33 CFR 117.1059 at all other times.

Vessels able to pass through the bridges in the closed-to-navigation position may do so at any time. The bridges will be able to open for emergencies and there is no immediate alternate route for vessels to pass. Waterway usage on this part of the Snohomish River and Steamboat Slough includes vessels ranging from commercial tug and barge to small pleasure craft. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: February 17, 2016.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2016–03547 Filed 2–19–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number–USCG–2014–0995]

RIN 1625–AA87

Moving Security Zone; Escorted Vessels; MM 90.0–106.0, Lower Mississippi River; New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Interim rule.

SUMMARY: The Coast Guard is establishing an interim rule, providing for temporary moving security zones around vessels being escorted by one or more Coast Guard or other Federal, State, or local law enforcement assets, on the navigable waters of the Lower Mississippi River, New Orleans, LA. This rule follows the interim rule that published in the **Federal Register** on February 5, 2015, re-establishing the same moving security zone regulations necessary for the safe transit and mooring of vessels requiring escort protection by the Coast Guard for security reasons as well as the safety and security of personnel and port facilities. Entry into, remaining in or transiting through these zones is prohibited for all vessels, mariners, and persons unless specifically authorized by the Captain of the Port New Orleans or a designated representative. The Coast Guard seeks comments on this interim rule specific to making this rule a permanent final rule.

DATES: This rule is effective without actual notice from February 22, 2016. For the purposes of enforcement, actual notice will be used from December 30, 2015 until February 22, 2016. Comments and related material must be received by the Coast Guard on or before April 22, 2016.

ADDRESSES: You may submit comments identified by docket number [USCG–2014–0995] 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 on this interim rule, call or email Commander (CDR) Kelly Denning, Sector New Orleans, U.S. Coast Guard; telephone (504) 365–2391, email *Kelly.K.Denning@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Acronyms

AHP Above Head of Passes
CFR Code of Federal Regulation
COTP Captain of the Port
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
MM Mile Marker
NPRM Notice of Proposed Rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On a routine basis, the Coast Guard previously established similar temporary moving security zones around escorted vessels as temporary final rules (TFR) for the Lower Mississippi River. Those TFRs are accessible as explained above under **ADDRESSES**, [Docket Number USCG–2013–0994, 79 FR 7587, Feb. 10, 2014 and Docket Number USCG–2011–1063, 77 FR 30402, May 23, 2012]. There is a difference in the size of the moving security zones previously established through those TFRs. Docket USCG–2013–0994 established a 100 yard zone and Docket USCG–2011–1063 established a 300 yard zone.

The Coast Guard preceded this rule with another interim rule with request for comments. Based on the quality of communication and additional time allowed to grant permission to deviate from the rules, the Coast Guard utilized the 300 yard zone for the previous interim rule. On February 5, 2015, the previous interim rule was published in the **Federal Register** (80 FR 6448). That interim rule was effective from January 31, 2015 through July 1, 2015 without prior notice through publication in the **Federal Register**, but also requested comments. The Coast Guard received no comments on that interim rule and no requests for public meetings. No public meetings were held. This rule re-establishes the previous interim rule without changes with one exception in the form of a technical revision which is discussed in section III of this document below.

Through the previous interim rule, the Coast Guard enforced temporary moving security zones around vessels being escorted by one or more Coast Guard or other Federal, State, or local law enforcement assets on the navigable waters of the Lower Mississippi River between river miles 90.0 to 106.0 Above Head of Passes (AHP), New Orleans, LA. Once in effect, the specific enforcement dates and times for a temporary moving security zone around an escorted vessel were noticed through broadcast notices to mariners. The Coast Guard did not receive any feedback causing us to believe the public opposes restrictions in future years to continue facilitating safe navigation and commerce during times of increased activity on and around the waterway.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory security zones. The purpose of this rule is to provide enhanced protections related to escorted vessels transiting through the Lower Mississippi River between river miles 90.0 to 106.0 AHP during times of increased activity on and around the waterway. During these times, certain vessels, including high capacity passenger vessels, vessels carrying dignitaries or VIPs, vessels carrying certain dangerous cargoes as defined in 33 CFR part 60, tank vessels constructed to carry oil or hazardous materials in bulk, and vessels carrying liquefied hazardous gas as defined in 33 CFR part 127 have been deemed by the COTP New Orleans to require escort protection.

As an additional protective measure for all those transiting the waterway during a vessel's escort, the Coast Guard will establish temporary moving security zones restricting navigation in portions of the Lower Mississippi River between river miles 90.0 to 106.0 AHP to provide both waterway and waterside security and protection. These security zones are necessary to protect life and property, surrounding and including escorted vessels and their personnel from destruction, loss or injury from sabotage or other subversive acts, accidents or other causes of a similar nature. This rule enables the COTP New Orleans to provide effective port security. This rule is also intended to minimize confusion and reduce administrative burdens related to implementing multiple individual temporary rulemakings for each security zone related to an escorted vessel.

The Coast Guard is issuing this interim rule without prior notice pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this

rule. Minimal notice regarding vessel escort operations is customary for security purposes. Based on risk evaluations completed, and information gathered after evaluating the security needs for escorted vessels during a period of high activity on and around the waterway, the Coast Guard determined that moving security zones are required. These moving security zones are needed to protect life and property, surrounding and including escorted vessels and their personnel from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature during vessel escort operations. The NPRM process would be contrary to public interest by delaying the effective date or foregoing the necessary protections required for persons and property, surrounding and including escorted vessels and their personnel. Immediate action for each vessel escort and security zone is necessary to provide both waterway and waterside security and protection for life and property, surrounding and including escorted vessels and their personnel on the Lower Mississippi River. The Coast Guard finds that good cause exists for making this interim rule effective less than 30 days after publication in the **Federal Register** under 5 U.S.C. 553(d)(3). Delaying the effective date of this rule is unnecessary. From January 31, 2015 to July 1, 2015, the previous interim rule was in effect and public comments were requested. No public comments or requests for public meetings were received during the effective period. External outreach to port and waterways stakeholders confirmed no opposition to the interim rule as published. As no substantive changes have been made to this interim rule, delaying the effective date of the rule is unnecessary.

III. Discussion of Interim Rule

Through this interim rule, the Coast Guard is re-establishing temporary moving security zones as previously established under 33 CFR 165.843, published in the **Federal Register** on February 5, 2015 (80 FR 6448). As provided in the previous rule, the COTP New Orleans will enforce temporary moving security zones related to escorted vessels. Each security zone will extend 300 yards in all directions from the escorted vessel as it transits the Lower Mississippi River between river miles 90.0 to 106.0 AHP. Persons and vessels are prohibited from entering, remaining in or transiting through the security zone surrounding escorted vessels, unless authorized by the Coast Guard COTP New Orleans or a COTP designated representative. A vessel may request permission from the COTP New Orleans or the on-scene Coast Guard or enforcement agency asset to deviate from the requirements of this rule. Deviations from this rule may be requested from the COTP New Orleans through the on-scene Coast Guard or enforcement agency asset, via VHF Ch. 16 or 67. If permitted to enter the security zone or deviate from this rule, a vessel must proceed at the minimum safe speed possible for safe navigation and must comply with all orders issued by the COTP New Orleans or the on-scene asset. Vessels permitted to deviate from this rule and transit through the security zone shall maintain a distance of at least 50 yards from the escorted vessel.

An escorted vessel is a vessel, other than a large U.S. naval vessel as defined in 33 CFR 165.2015, that is accompanied by one or more Coast Guard assets or other Federal, State or local law enforcement agency assets, clearly identifiable by flashing lights, vessel markings, or with agency insignia as listed below: Coast Guard surface or air asset displaying the Coast Guard insignia; Federal, State and/or local law enforcement asset displaying the applicable agency markings and/or equipment associated with the agency.

In addition to the presence of these law enforcement assets for escorted vessels, the COTP New Orleans or a designated representative will inform the public through a broadcast notice to mariners that a temporary moving security zone is in effect around the escorted vessel. The broadcast notice to mariners of each temporary moving security zone concerning escorted vessels will inform the public of the enforcement period, size of the zone, and the navigable waters that will be affected. The broadcast notice will normally be issued at approximately 30-minute intervals while the temporary moving security zone restrictions remain in effect.

The previous interim rule also requested comments. No comments were received. No changes to the restrictions or regulations of the rule have been made from the previous interim rule. One technical amendment is being made to the rule. As previously published, paragraph (d) read ''*Security Zone:* A temporary moving security zone, extending 300 yards in all directions of an escorted vessel, will be established around each escorted vessel within the regulated area described in paragraph (b) of this section. The security zone will not extend beyond the boundary of the regulated area in this section.'' In this interim rule, this section is changed to reflect the appropriate paragraph referenced for the description of the regulated area, which is paragraph (c) of the regulation. Paragraph (d) reads as follows; ''*Security Zone:* A temporary moving security zone, extending 300 yards in all directions of an escorted vessel, will be established around each escorted vessel within the regulated area described in paragraph (c) of this section. The security zone will not extend beyond the boundary of the regulated area in this section.''

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This interim rule is not a significant regulatory action because each individual temporary moving security zone enforced under this rule will be in effect for short periods of time and notifications to the marine community will be made through broadcast notices to mariners. Deviation from this rule may be requested and will be considered on a case-by-case basis by the COTP New Orleans or the on-scene Coast Guard or enforcement agency asset. Approved deviations will allow other vessels transiting the area to transit through the security zone, maintaining a distance of at least 50 yards from the escorted vessel. Additionally, the security zones are located within the New Orleans Harbor Vessel Service Area where vessels are required to check in when entering the area or departing berth. This check in requirement can assist in early review and granting of permission to deviate from this rule. Therefore, the impacts on routine navigation are expected to be minimal.

B. Impact on Small Entities

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels, intending to transit in the vicinity of escorted vessels between river miles 90.0 and 106.0 AHP of the Lower Mississippi River. This rule will not have significant impact on a substantial number of small entities because the zones will be of limited sizes, encompassing the escorted vessel, of short durations and notifications to the marine community will be made through broadcast notices to mariners. In some cases, the security zones will leave ample space for vessels to navigate around them. If not, and security conditions permit, the COTP will attempt to provide flexibility for individual vessels to transit through the zones as needed. Deviation from this rule may be requested and will be considered on a case-by-case basis by the COTP or the on-scene Coast Guard or enforcement agency asset. Approved deviations will allow other vessels transiting the area to transit through the security zone, maintaining a distance of at least 50 yards from the escorted vessel. Additionally, the security zones are located within the New Orleans Harbor Vessel Service Area where vessels are required to check in when entering the area or departing berth. This check-in requirement can assist in early review and granting of permission to deviate from the rule.

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 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 rule or any policy or action of the Coast Guard.

C. Collection of Information

This 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 rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.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 rule involves temporary moving security zones that prohibit persons and vessels from entering, remaining in or transiting through the security zone surrounding escorted vessels as they transit within the navigable waters of the Lower Mississippi between river miles 90.0 to 106.0 AHP, unless authorized by the Coast Guard COTP or a COTP designated representative. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 of Commandant Instruction M16475.lD. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

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. We specifically seek comments regarding making this interim rule a permanent final rule in its current form for 2016 and as it was effective between January and July of 2015. 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 rule 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 165

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

For the reasons discussed in the preamble, the Coast Guard amends 22 CFR part 165 to read as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.843 to read as follows:

§ 165.843 Moving Security Zone; Escorted Vessels; Lower Mississippi River; New Orleans, LA.

(a) *Definitions.* The following definitions apply to this section:

COTP means Captain of the Port New Orleans, LA.

Designated representatives means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP, in the enforcement of the security zone.

Escorted vessel means a vessel, other than a large U.S. naval vessel as defined in 33 CFR 165.2015, that is accompanied by one or more Coast Guard assets or other Federal, State or local law enforcement agency assets clearly identifiable by flashing lights, vessel markings, or with agency insignia as follows: Coast Guard surface or air asset displaying the Coast Guard insignia. State and/or local law enforcement asset displaying the applicable agency markings and/or equipment associated with the agency.

Minimum safe speed for navigation means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake or surge. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to a minimum safe speed for navigation. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

(i) On a plane;

(ii) In the process of coming up, onto or coming off a plane; or

(iii) Creating an excessive wake or surge.

(b) *Regulated area.* All navigable waters, as defined in 33 CFR 2.36, on the Lower Mississippi River between river miles 90.0 to 106.0 Above Head of Passes (AHP), New Orleans, Louisiana.

(c) *Security zone.* A temporary moving security zone, extending 300 yards in all directions of an escorted vessel, will be established around each escorted vessel within the regulated area described in paragraph (b) of this section. The security zone will not extend beyond the boundary of the regulated area in this section.

(d) *Notice of security zone.* The COTP will inform the public of the existence or status of any temporary moving security zones around escorted vessels in the regulated area by broadcast notices to mariners. The broadcast notice to mariners will inform the public of the enforcement period, size of the zone, and the navigable waters that will be affected, and will normally be issued at approximately 30-minute intervals while the moving security zone remains in effect. Escorted vessels will be identified by the presence of Coast Guard assets or other Federal, State or local law enforcement agency assets clearly identified by flashing lights, vessel markings, or agency insignia.

(e) *Regulations.* (1) In accordance with the general regulations in § 165.33 of subpart D of this part, no person or vessel may enter or remain in a security zone without the permission of the Captain of the Port. Section 165.33 also contains other general requirements.

(2) Vessels may request permission from the Captain of the Port New Orleans through the on-scene Coast Guard or other agency asset to enter the security zone described in paragraph (c) of this section.

(i) If permission to enter and transit through the security zone is granted, the vessel shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and must proceed as directed by the COTP or a designated representative. When within the security zone, no vessel or person is allowed within 50 yards of the escorted vessel unless authorized by the Coast Guard.

(ii) [Reserved]

(f) *Contact information.* The COTP New Orleans may be reached via phone at (504) 365–2200. Any on-scene Coast Guard or designated representative assets may be reached via VHF–FM channel 16 or 67.

Dated: December 30, 2015.

W.R. Arguin,

Captain, U.S. Coast Guard, Acting Captain of the Port New Orleans.

[FR Doc. 2016–02282 Filed 2–19–16; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 351

[Docket No. 15–CRB–0012 RM]

Proceedings of the Copyright Royalty Board; Technical Amendment

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule; technical amendment.

SUMMARY: The Copyright Royalty Judges are adopting a technical amendment to a Copyright Royalty Board rule regarding participation in distribution proceedings. The technical amendment updates the threshold requirement for payment of a filing fee to conform the rule to a statutory provision.

DATES: Effective February 22, 2016.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: On October 6, 2006, Congress enacted the Copyright Royalty Judges Program Technical Corrections Act. Public Law 109–303, 120 Stat. 1478 (2006). Among other things, the Technical Corrections Act changed Section 803(b)(2)(D)(ii)(II) of the Copyright Act, which requires parties that wish to participate in a Copyright Royalty Board royalty distribution proceeding to pay a $150

filing fee unless the petitioner includes a statement with its petition to participate stating that the petitioner will not seek a distribution of more than $1000, in which case no filing fee is required. Prior to the Technical Corrections Act, the threshold for a fee waiver in a distribution proceeding was $10,000, an amount that was (and still is) codified in CRB Rule 351.1(b)(4).[1]

To conform the CRB regulation with the statutory provision under which it was adopted, the Judges hereby amend CRB Rule 351.1(b)(4) to state that the threshold requirement for a filing fee waiver is $1000, rather than $10,000. Because this is a technical amendment, the Judges find that prior publication for notice and comment is unnecessary. *See* 5 U.S.C. 553(b)(3)(B). *See also* 61 FR 63715 (Dec. 2, 1996) (adopting technical amendments to CARP rules).

List of Subjects in 37 CFR Part 351

Administrative practice and procedure, Copyright.

For the reasons set forth in the preamble, the Copyright Royalty Judges amend 37 CFR part 351 as follows:

PART 351—PROCEEDINGS

■ 1. The authority citation for part 351 continues to read as follows:

Authority: 17 U.S.C. 803.

■ 2. Amend § 351.1 to revise paragraph (b)(4) to read as follows:

§ 351.1 Initiation of proceedings.

* * * * *

(b) * * *

(4) *Filing fee.* A petition to participate must be accompanied with a filing fee of $150 or the petition will be rejected. Payment shall be made to the Copyright Royalty Board. If a check is subsequently dishonored, the petition will be rejected. If the petitioner believes that the contested amount of that petitioner's claim will be $1000 or less, petitioner shall so state in the petition to participate and should not include payment of the $150 filing fee. If it becomes apparent during the course of the proceedings that the contested amount of the claim is more than $1000, the Copyright Royalty Judges will require payment of the filing fee at such time.

* * * * *

[1] 37 CFR 351.1(b)(4); 70 FR 30901, 30903 (May 31, 2005).

Dated: December 30, 2015.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

Approved by:

David S. Mao,

Acting Librarian of Congress.

[FR Doc. 2016–03599 Filed 2–19–16; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0379; FRL–9942–54–Region 5]

Air Plan Approval; Indiana; Particulate Matter Emissions Limits Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving a June 1, 2015, request by Indiana to revise the State Implementation Plan (SIP) to incorporate changes to the particulate matter (PM) rules contained in Title 326 of the Indiana Administrative Code (IAC). This approval affects sources of PM in the state of Indiana.

DATES: This direct final rule will be effective April 22, 2016, unless EPA receives adverse comments by March 23, 2016. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0379 at *http://www.regulations.gov* or via email to *blakley.pamela@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, 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. 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: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this action?
II. What is EPA's analysis of the SIP revision?
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is the background for this action?

On June 1, 2015, the Indiana Department of Environmental Management (IDEM) submitted a request for EPA to approve revisions to PM rules contained in 326 IAC 6.5 and 6.8. The revisions to these rules were published in the May 28, 2015, edition of the Indiana Register. On January 14, 2015, IDEM held the first of two public hearings on revisions to these rules. IDEM received comments during its January 14, 2015, public hearing, and IDEM revised its rules in response to those comments. IDEM's second public hearing was held on March 11, 2015. IDEM did not receive any comments at its March 11, 2015, public hearing.

II. What is EPA's analysis of the SIP revision?

Below is a discussion of changes to 326 IAC 6.5:

- *Sections 4–2, 4–17 and 4–24*

Revisions to 326 IAC 6.5–4–2 and 326 IAC 6.5–4–17 consolidate the identification numbers of the Kimball Office facilities in Jasper Indiana from 00046 and 00042 to 00100. The revision to 326 IAC 6.5–4–24 revises the business name of the regulated source from Styline Industries, Inc. Plant #8 to OFS Brands, Inc.—Plant #3. These administrative revisions provide clarity to the existing rule and are approvable into the Indiana SIP.

• *Section 5–2*

Revisions to 326 IAC 6.5–5–2 update the business name of the regulated source from Chrysler Group to FCA US, and the source identification number for boiler 4 at the FCA US, LLC Kokomo Transmission Plant from 00065 to 00078. Additionally, the revision removes the following units, due to shut down and removal, at the FCA US, LLC Kokomo Casting Plant: Reverberatory furnaces 1ARF, 1BRF, and 5RF (source identification numbers 2P, 3P, and 7P, respectively). Overall, the revisions to Section 5–2 are approvable into the Indiana SIP as they provide clarity to the existing rule, and the removal of these units will reduce emissions.

• *Section 5–5*

A revision to 326 IAC 6.5–5–5 updates the business name of the regulated source from Delco Electronics Corporation to GM Components Holdings, LLC.

• *Section 6–2*

A revision to 326 IAC 6.5–6–2 removes boilers 1, 2, and 3 from Allison Transmission due to shut down and removal. Further, a revision to this section updates the source identification number for this facility from 00017 to 00310, and consolidates reporting requirements for this source. Overall, these revisions to Section 6–2 are approvable into the Indiana SIP as they provide clarity to the existing rule, and the removal of these units will help reduce emissions.

• *Section 6–25 and 6–26*

A revision to Section 6.5–6–25 updates the business name of the regulated source from National Starch and Chemical Company to Ingredion Incorporated Indianapolis Plant. A revision to Section 6.6–6–26 updates the business name of the regulated source from International Truck and Engine Corporation & Indianapolis Casting Corporation to Navistar, Inc.

• *Section 6–33*

A revision to 326 IAC 6.5–6–33 removes Boilers 0070 01 through 0070 04 from the Rolls-Royce Corporation facility due to their shutdown and removal. In addition, a revision to Paragraph (3)(B) (post-revision, paragraph (2)(B)) removes coal and adds #4 fuel oil to a list of operating fuels for the facility. These revisions to Section 6–33 are approvable into the Indiana SIP as the removal of these units will help to reduce emissions.

326 IAC 6.8

Below is a discussion of changes to 326 IAC 6.8:

• *Section 2–18*

A revision to 326 IAC 6.8–2–18 removes three units and increases the PM emission rates (in lbs/hour) for two units at the Jupiter Aluminum Corporation's facility in Lake County. The aluminum reverberatory furnaces 3, 4, and 5 were shut down and removed, and the PM emission rates for the aluminum reverberatory furnaces 2 and 6 were increased. Specifically, the PM emission rate for the aluminum reverberatory furnace 2 was increased from 1.137 to 1.499 lbs/hour. The PM emission rate for the aluminum reverberatory furnace 6 was increased from 0.970 to 2.008 lbs/hour. The increase in PM emission rates are offset by the reduction in PM emission rates due to the shut down and removal of the aluminum reverberatory furnaces 3, 4, and 5. The revision to this section is approvable into the Indiana SIP.

• *Section 2–29*

Revisions to 326 IAC 6.8–2–29 update the business name of the regulated source from Reed Minerals to Harsco Minerals. The revision also removes the fluidized bed dryer and its associated PM emission due to shut down and removal. These revisions to Section 2–29 are approvable into the Indiana SIP as they provide clarity to the existing rule, and the shutdown of the fluidized bed dryer will help reduce emissions.

• *Section 2–34*

Revisions to 326 IAC 6.8–2–34 remove one molded pulp dryer; revise the PM emissions limits for the remaining molded pulp dryers; and clarify the reporting and recordkeeping requirements for the Huhtamaki Foodservice, Inc., in Lake County. Specifically, the PM emission rates for the molded pulp dryers were revised as follows:

—Molded pulp dryer number 1: 0.290 lbs/hour
—Molded pulp dryer number 2: 0.290 lbs/hour
—Molded pulp dryer number 3: 0.342 lbs/hour
—Molded pulp dryer number 4: 0.342 lbs/hour
—Molded pulp dryer number 5: 0.290 lbs/hour
—Molded pulp dryer number 6: 0.290 lbs/hour
—Molded pulp dryer number 8: 0.615 lbs/hour
—Molded pulp dryer number 9: 0.615 lbs/hour
—Molded pulp dryer number 10: 0.615 lbs/hour

The total facility PM emissions rate for molded pulp dryers remains capped at 2.41 lbs/hour. Additional recordkeeping and reporting requirements were included to ensure compliance with the capped PM emissions rate under any operating scenario. Because this rule revision retains the capped PM emission rate, and because this rule revision includes requirements to ensure the facility complies with the PM emission rates, these revisions are approvable into the Indiana SIP. The revisions to 326 IAC 6–5 and 6–8 contain wording changes and additions, improve and expand the applicability of the rule and its impact on air quality statewide. On balance, EPA finds that the revisions strengthen the existing SIP in Indiana and as such, deems the submittal approvable.

III. What action is EPA taking?

EPA is approving into the Indiana SIP revisions to the PM rules contained in Title 326 of the Indiana Administrative Code (IAC), Article 6, Rule 5 (326 IAC 6.5) and Rule 8 (326 IAC 6.8).

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective April 22, 2016 without further notice unless we receive relevant adverse written comments by March 23, 2016. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective April 22, 2016.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In

accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Indiana Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 22, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770, the table in paragraph (c) is amended under the headings entitled ''Article 6.5. Particulate Matter Limitations Except Lake County'' and ''Article 6.8. Particulate Matter Limitations for Lake County'' by:

■ i. Removing the entries for Rules 6.5–3–7 and 6.5–3–8 under the subheading entitled ''Rule 3. Dearborn County''.

■ ii. Revising the entries for Rules 6.5–4–2, 6.5–4–4, 6.5–4–17, and 6.5–4–24 under the subheading entitled ''Rule 4. Dubois County''.

■ iii. Revising the entries for Rules 6.5–5–2 and 6.5–5–5 under the subheading entitled ''Rule 5. Howard County''.

■ iv. Revising the entries for Rules 6.5–6–2, 6.5–6–25, 6.5–6–26, and 6.5–6–33, and removing the entries for Rules 6.5–6–3 and 6.5–6–15 under the subheading entitled ''Rule 6. Marion County''.

■ v. Removing the entry for Rule 6.5–9–8 under the subheading entitled ''Rule 9. Vigo County''.

■ vi. Removing the entry for Rule 6.5–10–6 under the subheading entitled ''Rule 10. Wayne County''.

■ vii. Revising the entries for Rules 6.8–2–18, 6.8–2–29 and 6.8–2–34 under the subheading entitled ''Rule 2. Lake County: PM_{10} Emission Requirements''.

The revised text reads as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
* * *	* * *	*	* * *	
Article 6.5. Particulate Matter Limitations Except Lake County				
* * *	* * *	*	* * *	
Rule 4. Dubois County				
* * *	* * *	*	* * *	
6.5–4–2	Kimball Office—Jasper 15th Street.	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
6.5–4–4	DMI Furniture Plant No. 5	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
6.5–4–17	Kimball Office—Jasper Cherry Street.	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
6.5–4–24	Styline Industries, Inc. Plant #8	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
Rule 5. Howard County				
* * *	* * *	*	* * *	
6.5–5–2	Chrysler, LLC-Kokomo Casting Plant and Kokomo Transmission Plant.	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
6.5–5–5	Delco Electronics Corporation	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
Rule 6. Marion County				
* * *	* * *	*	* * *	
6.5–6–2	Allison Transmission	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
6.5–6–25	National Starch and Chemical Company.	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
6.5–6–26	International Truck and Engine Corporation & Indianapolis Casting Corporation.	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
6.5–6–33	Rolls-Royce Corporation	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* * *	* * *	*	* * *	
Article 6.8. Particulate Matter Limitations for Lake County				
* * *	* * *	*	* * *	
Rule 2. Lake County: PM_{10} Emission Requirements				
* * *	* * *	*	* * *	
6.8–2–18	Jupiter Aluminum Corporation	05/29/2015	02/22/2016, [insert **Federal Register** citation].	

EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
* *	*	*	* *	*
6.8–2–29	Reed Minerals–Plant #14	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* *	*	*	* *	*
6.8–2–34	Huhtamaki Foodservice, Inc.	05/29/2015	02/22/2016, [insert **Federal Register** citation].	
* *	*	*	* *	*

* * * * *

[FR Doc. 2016–03490 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0848; FRL–9942–56–Region 5]

Air Plan Approval; Wisconsin; Revision to the Milwaukee-Racine-Waukesha 2006 24-Hour Particulate Matter Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Wisconsin's December 23, 2015, state implementation plan (SIP) revision to the Milwaukee-Racine-Waukesha (Milwaukee), Wisconsin 2006 24-Hour Particulate Matter ($PM_{2.5}$) maintenance plan. This SIP revision establishes new Motor Vehicle Emissions Budgets (MVEB) for Volatile Organic Compounds (VOC) for the years 2020 and 2025. The MVEBs for Oxides of Nitrogen (NO_X), Sulfur Dioxide (SO_2), and $PM_{2.5}$ will remain the same. EPA is approving the allocation of a portion of the safety margin for VOC in the $PM_{2.5}$ maintenance plan to the 2020 and 2025 MVEBs. The 2020 and 2025 total year emissions of VOC for the area will remain below the attainment level required by the transportation conformity regulations.

DATES: This direct final rule will be effective April 22, 2016, unless EPA receives adverse comments by March 23, 2016. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0848 at *http://www.regulations.gov* or via email to *blakley.pamela@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, EPA may publish any comment received on 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. 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: Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, *leslie.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this action?
II. What is a ''safety margin''?
III. How does this action change the Milwaukee area's 2006 24-hour $PM_{2.5}$ maintenance plan?
IV. What action is EPA taking?
V. Statutory and Executive Order Reviews

I. What is the background for this action?

On April 22, 2014 (79 FR 22415), EPA approved a request from the State of Wisconsin to redesignate the Milwaukee area for the 2006 24-hour $PM_{2.5}$ national ambient air quality standard (NAAQS). In addition to approving the $PM_{2.5}$ redesignation request, EPA approved the State's plan for maintaining the 2006 24-hour $PM_{2.5}$ NAAQS in Milwaukee through 2025. The $PM_{2.5}$ maintenance plan established MVEBs for $PM_{2.5}$, SO_2, VOC and NO_X for 2020 and 2025 to account for new transportation planning assumptions.

MVEBs are the projected levels of controlled emissions from the transportation sector (mobile sources) that are estimated in the SIP to provide for maintenance of the ozone standard. The transportation conformity rule allows the MVEB to be changed as long as the total level of emissions from all sources remains below the attainment levels.

II. What is a ''safety margin''?

A ''safety margin'', as defined in the transportation conformity rule (40 CFR part 93 subpart A), is the amount by which the total projected emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for reasonable further progress, attainment, or maintenance. The attainment level of emissions is the level of emissions during the year in which the area met the NAAQS. Table 1 gives detailed information on the safety margin for the VOC portion of the Milwaukee's 2006 24-Hour $PM_{2.5}$ maintenance plan. Table 1 includes a comparison of the VOC emissions in the 2010 (Wisconsin's attainment year), to the projected emissions of VOC in 2020 and 2025. The difference between the projected emissions in years 2020 and 2025 and the actual emissions in 2010 is referred to as the safety margin or the amount of excess emission reductions.

TABLE 1—VOC SAFETY MARGIN FOR MILWAUKEE'S 2006 24-HOUR $PM_{2.5}$ MAINTENANCE PLAN

Year	Attainment year emissions (tons/day)	Projected maintenance emissions (tons/day)	Safety margin (tons/day)
2010	127.40	.....	.....
2020	.....	105.81	21.59
2025	.....	106.70	20.70

Wisconsin has requested the VOC allocation of 2.384 tons/day for 2020 and 1.798 tons/day for 2025 from the safety margins to the MVEBs. The revised maintenance plan will have VOC safety margins of 19.21 tons/day for 2020 and 18.90 tons/day for 2025. The 2020 and 2025 projected VOC emissions, even with this allocation, will be below the 2010 attainment year emissions. For this reason, EPA finds that the allocation of the safety margin to the 2020 and 2025 VOC MVEBs for Milwaukee's 2006 24-Hour $PM_{2.5}$ maintenance plan meets the requirements of the transportation conformity regulations at 40 CFR part 93, and is approvable.

III. How does this action change the Milwaukee area's 2006 24-hour $PM_{2.5}$ maintenance plan?

This action changes the VOC MVEBs for mobile sources. The maintenance plan is designed to provide for future growth while still maintaining the 2006 24-Hour $PM_{2.5}$ NAAQS. Growth in industries, population, and traffic is offset by reductions from cleaner cars and other emission reduction programs. Through the maintenance plan, the state and local agencies can manage and maintain clean air quality while providing for growth.

In the submittal, Wisconsin requested to allocate a portion of the safely margins for VOC to the 2020 and 2025 MVEBs. Table 2 details the updated MVEBs for the 2006 24-Hour $PM_{2.5}$ maintenance plan for the Milwaukee area. Table 2 shows the 2020 and 2025 VOC MVEBs (approved by EPA on April 22, 2014), the amount of excess emission reductions or safety margin to be allocated into the new MVEBs, and the new 2020 and 2025 MVEBs for VOC.

TABLE 2—MILWAUKEE 2006 24-HOUR $PM_{2.5}$ MAINTENANCE PLAN MVEBS

Year	Approved MVEBs (tons/day)	Safety margin allocation (tons/day)	New MVEBs (tons/day)
2020	15.890	2.384	18.274
2025	11.980	1.798	13.778

IV. What action is EPA taking?

EPA is approving a revision to the Milwaukee 2006 24-Hour $PM_{2.5}$ maintenance plan. The revision will change the VOC MVEBs for 2020 and 2025 that are used for transportation conformity purposes. The revision will keep the total emissions for the area at or below the attainment level required by law. This action will allow the state or local agencies to continue to maintain air quality while providing for transportation growth.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective April 22, 2016 without further notice unless we receive relevant adverse written comments by March 23, 2016. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective April 22, 2016.

V. Statutory and Executive Order Reviews

Under the Clean Air Act (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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 22, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Volatile organic compounds.

Dated: February 5, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2584 is amended by adding paragraph (f) to read as follows:

§ 52.2584 Control strategy; Particulate matter.

* * * * *

(f) Approval—On December 23, 2015, the State of Wisconsin submitted a revision to its State Implementation Plan for the Milwaukee-Racine-Waukesha (Milwaukee), Wisconsin 2006 24-Hour Particulate Matter Maintenance Plan. The submittal established new Motor Vehicle Emissions Budgets (MVEB) for Volatile Organic Compounds (VOC) for the years 2020 and 2025. The VOC MVEBs for the Milwaukee area are now: 18.274 tons per day for 2020 and 13.778 tons per day for the year 2025.

[FR Doc. 2016–03498 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0666; FRL–9942–59–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regulation To Limit Nitrogen Oxides Emissions From Large Non-Electric Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia. The revision caps emissions of nitrogen oxides (NO_X) from large non-electric generating units (non-EGUs) to meet the requirements of EPA's NO_X SIP Call. EPA is approving this revision to cap emissions of NO_X from non-EGUs in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on March 23, 2016.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2015–0666. 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 District submittal are available at the District of Columbia. Department of Energy and Environment, Air Quality Division, 1200 1st Street NE., 5th Floor, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 19, 2015 (80 FR 72406), EPA published a notice of proposed rulemaking (NPR) for the District of Columbia. In the NPR, EPA proposed approval of the District's regulation to cap NO_X emissions from large non-EGUs to meet the requirements of EPA's NO_X SIP Call. The formal SIP revision was submitted by the District of Columbia on June 19, 2015.

II. Summary of SIP Revision

On June 19, 2015, the District Department of the Environment (DOEE) submitted a SIP revision that addresses NO_X reductions from its non-EGUs to meet its obligations under the NO_X SIP Call. The submission also removes, from the District's SIP, regulation Title 20 DCMR Chapter 10—Nitrogen Oxides Emissions Budget Program. Sections 1000 through 1013 of 20 DCMR Chapter 10 comprised the District's Ozone Transport Commission (OTC) NO_X Budget Program, which preceded the NO_X SIP Call trading program, and

section 1014 of 20 DCMR Chapter 10 incorporated by reference the trading program established under the NO_X SIP Call. Both the OTC and the NO_X SIP Call trading programs have been discontinued, and the NO_X SIP Call requirements for electric generating units (EGUs) are now being met under other trading programs.[1] The June 19, 2015 submission removes the existing Chapter 10 from the District's SIP, and replaces it with a new Chapter 10. The new Chapter 10, entitled Air Quality—Non-EGU Limits on Nitrogen Oxides Emissions, establishes an ozone season NO_X emissions cap of 25 tons on applicable non-EGUs in the District, and allocates the cap to the non-EGUs located at the U.S. General Services Administration Central Heating and Refrigeration Plant, with a reallocation required whenever a new non-EGU in the District becomes subject to the NO_X SIP Call.[2] The regulation also requires continuous emissions monitoring of NO_X emissions, recordkeeping and reporting pursuant to 40 CFR part 75 to ensure compliance with the District's non-EGU emissions cap.

Other specific requirements of the District's SIP submittal and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving the District of Columbia's June 19, 2015 submittal, which establishes an ozone season NO_X limit of 25 tons for non-EGUs, as a revision to the District's SIP. The submission removes, from the District's SIP, regulation Title 20 DCMR Chapter 10—Nitrogen Oxides Emissions Budget Program, and replaces it with new Chapter 10—Non-EGU Limits on Nitrogen Oxides Emissions.

IV. Incorporation by Reference

In this rulemaking action, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of revised District of Columbia regulation Title 20 DCMR, Environment, Chapter 10—Air Quality—Non-EGU limits on Nitrogen Oxides Emissions, and the revised definition of ''Fossil fuel-fired'' in Chapter 1, General Rules. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or may be viewed at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

A. General Requirements

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, 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 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 rulemaking action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP 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 22, 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 approving the District of Columbia SIP submittal to cap NO_X emissions from large non-EGUs may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: February 4, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

[1] There are presently no EGUs in the District.

[2] Applicable non-EGUs are the non-EGUs that were subject to the NO_X SIP Call, including large industrial boilers and turbines with a maximum rated heat input capacity greater than 250 million British thermal units per hour (mmBtu/hr).

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

Subpart J—District of Columbia

■ 2. In § 52.470, the table in paragraph (c) is amended by:

■ a. Revising the entry for ''Section 199.''

■ b. Removing ''Chapter 10 Nitrogen Oxides Emissions Budget Program (Sections 1000–1099).''

■ c. Adding a new Chapter 10 entitled ''Air Quality—Non-EGU Limits on Nitrogen Oxides Emissions.''

The revision and addition read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS AND STATUTES IN THE DISTRICT OF COLUMBIA SIP

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
District of Columbia Municipal Regulations (DCMR), Title 20—Environment				
Chapter 1 General				
* *	*	*	* *	*
Section 199	Definitions and Abbreviations	03/08/15	02/22/16, [insert **Federal Register** citation].	Amended definition of ''Fossil fuel-fired''
* *	*	*	* *	*
Chapter 10 Air Quality—Non-EGU Limits on Nitrogen Oxides Emissions				
Section 1000	Applicability	03/08/15	02/22/16, [insert **Federal Register** citation].	
Section 1001	NO_X Emissions Budget and NO_X Limit Per Source.	03/08/15	02/22/16, [insert **Federal Register** citation].	
Section 1002	Emissions Monitoring	03/08/15	02/22/16, [insert **Federal Register** citation].	
Section 1003	Record-Keeping and Reporting	03/08/15	02/22/16, [insert **Federal Register** citation].	
Section 1004	Excess Emissions	03/08/15	02/22/16, [insert **Federal Register** citation].	
* *	*	*	* *	*

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[FR Doc. 2016–03489 Filed 2–19–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2011–1012; FRL–9941–38]

Pyriproxyfen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation increases the currently established tolerance for residues of pyriproxyfen in or on tea from 0.02 parts per million (ppm) to 15 ppm. Sumitomo Chemical Company, Ltd., c/o Valent U.S.A. Corporation, requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 22, 2016. Objections and requests for hearings must be received on or before April 22, 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–2011–1012, 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–2011–1012 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 22, 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–2011–1012, 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 December 2, 2015 (80 FR 75449) (FRL–9939–55), 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 #4E8326) by Sumitomo Chemical Company, Ltd., c/o Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. The petition requested that 40 CFR 180.510 be amended to increase the currently established tolerance for residues of pyriproxyfen in/on tea from 0.02 ppm to 15.0 parts per million (ppm). That document referenced a summary of the petition prepared by Sumitomo Chemical Company, Ltd., c/o Valent U.S.A. Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no substantive comments received in response to the notice of filing.

Based upon review of the data supporting the petition, the petitioned-for tolerance for residues of pyriproxyfen in/on tea (15.0 ppm) must be corrected to 15 ppm, consistent with current practices for setting tolerances. The reason for this change is 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 pyriproxyfen including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyriproxyfen 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.

Pyriproxyfen elicits low acute toxicity by oral, dermal, inhalation, and ocular routes of exposure. Pyriproxyfen is not a skin irritant and was negative in the dermal sensitization study in guinea pigs. Based on repeated dose studies in mice, rats, and dogs the liver, kidney, and hematopoietic system are the primary targets of pyriproxyfen. Neurotoxicity, in the form of reduced motor activity, occurred only at a doses well above those required to elicit toxicity in the liver, kidney, and hematopoietic system indicating the nervous system is not a principle target. There was no evidence of prenatal or postnatal sensitivity or increased susceptibility in developmental toxicity studies in rats and rabbits, and in a 2-generation reproduction toxicity study in rats. An immunotoxicity study showed no adverse effects on the immune system. No significant systemic toxicity was observed in the 21-day dermal toxicity study in rats. In a 28-day inhalation study, salivation in females and sporadic decreased body weight gains in males was observed at 1 milligram/Liter (mg/L); however, these effects were not considered biologically relevant. There is no evidence for carcinogenicity to humans based on the absence of carcinogenicity in mice and rats. Pyriproxyfen is negative for mutagenic activity in a battery of mutagenicity studies conducted with both the parent and/or metabolites. Specific information on the studies received and the nature of the adverse effects caused by pyriproxyfen as well as the no-observed-adverse-effect-level (NOAEL) and the LOAEL from the toxicity studies can be found at *http://www.regulations.gov* on pp. 10–18 in the document titled ''Pyriproxyfen. Human Health Risk Assessment for the Petition to Increase the Established Tolerance in/on Tea with a U.S. Registration for Imported Pyriproxyfen-treated Tea.'' in docket ID number EPA–HQ–OPP–2011–1012.

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 pyriproxyfen used for human risk assessment is shown in Table 1 of this unit.

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

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations) ..	An appropriate endpoint attributable to a single oral dose was not identified in the toxicology database, including the developmental and reproduction toxicity studies.		
Chronic dietary (All populations).[1]	NOAEL = 35.1 mg/kg/day ..... UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.35 mg/kg/day cPAD = 0.35 mg/kg/day	Subchronic (41321716) and chronic (43210503)—rat (co-critical). LOAEL = 141.28 mg/kg/day based on decreased body weight and body weight gain, anemia, and increased relative liver weight with elevated cholesterol and phospholipid levels.
Incidental oral short-term (1–30 days).	NOAEL = 100 mg/kg/day ..... UF_A = 10x UF_H = 10x	LOC for MOE = 100	Rat developmental toxicity (44985002). Maternal LOAEL = 300 mg/kg/day based on decreased body weight, body weight gain, and food consumption, and increased water consumption.
Incidental oral intermediate-term (1–6 months).[1]	NOAEL = 35.1 mg/kg/day ..... UF_A = 10x UF_H = 10x	LOC for MOE = 100	Subchronic (41321716) and chronic (43210503)—rat (co-critical). LOAEL = 141.28 mg/kg/day based on decreased body weight and body weight gain, anemia, and increased relative liver weight with elevated cholesterol and phospholipid levels.
Dermal short- and intermediate-term (1–30 days and 1–6 months).	Based on the systemic toxicity NOAEL of 1,000 mg/kg/day (limit dose) in the 21 day dermal toxicity study in rats, quantification of dermal risks is not required. In addition, no developmental concerns (toxicity) were seen in either rats or rabbits.		
Dermal long-term (6 months-lifetime).[1]	NOAEL = 35.1 mg/kg/day ..... DAF = 30%[2] UF_A = 10x UF_H = 10x	LOC for MOE = 100	Subchronic (41321716) and chronic (43210503)—rat (co-critical). LOAEL = 141.28 mg/kg/day based on decreased body weight and body weight gain, anemia, and increased relative liver weight with elevated cholesterol and phospholipid levels.
Inhalation short- and intermediate-term (1–30 days and 1–6 months).	Based on the absence of biologically relevant toxicity at 1.0 mg/L, the quantification of inhalation risks is not required. In addition, no developmental concerns (toxicity) were seen in either rats or rabbits.		
Inhalation long-term (6 months-lifetime).[1]	NOAEL = 35.1 mg/kg/day ..... UF_A = 10x UF_H = 10x	LOC for MOE = 100	Subchronic (41321716) and chronic (43210503)—rat (co-critical). LOAEL = 141.28 mg/kg/day based on decreased body weight and body weight gain, anemia, and increased relative liver weight with elevated cholesterol and phospholipid levels.
Cancer (Oral, dermal, inhalation).	No evidence of carcinogenicity in mice and rats (TXR 0012966).		

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). DAF = dermal absorption factor.

[1] The NOAEL and LOAEL for the co-critical studies were based on the female endpoints from the chronic and sub-chronic rat studies, respectively. Females demonstrated greater or equivalent sensitivity to oral pyriproxyfen exposure relative to males; therefore, selection of two female endpoints accounted for effects observed in the males and preserved consistency between the NOAEL and LOAEL.

[2] DAF estimated by comparing the rat developmental LOAEL of 300 mg/kg/day to the 21-day rat dermal study NOAEL of 1,000 mg/kg/day (No NOAEL) = 300/1,000 = 30%.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to pyriproxyfen, EPA considered exposure under the petitioned-for tolerances as well as all existing pyriproxyfen tolerances in 40 CFR 180.510. EPA assessed dietary exposures from pyriproxyfen 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 pyriproxyfen; 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 USDA 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) and tolerance-level residues.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that pyriproxyfen does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for pyriproxyfen. Tolerance-level residues and/or 100 PCT were assumed for all food commodities.

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

Based on the Tier 1 Rice Model and the Generic Estimated Exposure Concentration (GENEEC) model the estimated drinking water concentrations (EDWCs) of pyriproxyfen for chronic exposure assessments are estimated to be 2.98 parts per billion (ppb) for surface water and 0.006 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 2.98 ppb was used to assess the contribution to drinking water.

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

Pyriproxyfen is currently registered for flea and tick control (home environment and pet treatments) as well as products for ant and roach control (indoor and outdoor applications). Formulations include carpet powders, foggers, aerosol sprays, liquids (shampoos, sprays, and pipettes for pet treatments), granules, bait (indoor and outdoor), and impregnated materials (pet collars). EPA assessed residential exposure using the following assumptions: Although there is the potential for short-term residential handler dermal and inhalation exposure as well as short or intermediate-term post-application exposure from the registered uses of pyriproxyfen, there are no short or intermediate-term dermal or inhalation PODs and quantitative assessments were not conducted.

Based on the registered use patterns, the following post-application scenarios were assessed: Short- and intermediate-term hand-to-mouth exposures for 1 to <2 year olds from treated carpets and flooring and petting treated animals (shampoos, sprays, spot-on treatments and collars); long-term hand-to-mouth exposures for 1 to <2 year olds from treated carpets and flooring and petting treated animals; and long-term dermal exposures from treated carpets, flooring, and pets.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

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 pyriproxyfen to share a common mechanism of toxicity with any other substances, and pyriproxyfen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action; therefore, EPA has assumed that pyriproxyfen 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 data, there is no quantitative and qualitative evidence of increased susceptibility observed following *in utero* pyriproxyfen exposure to rats and rabbits or following prenatal/postnatal exposure in the 2-generation reproduction study.

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 pyriproxyfen is complete.

ii. There is no indication that pyriproxyfen is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that pyriproxyfen 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. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to pyriproxyfen 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 pyriproxyfen.

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, pyriproxyfen 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 pyriproxyfen from food and water will utilize 12% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. A long-term post-application residential assessment was performed for toddlers only since they are anticipated to have higher exposures than adults from treated home environments and pets due to their behavior patterns. The total chronic dietary and residential aggregate MOE is 230 for children 1 to <2 years old. As this MOE is greater than 100, the chronic aggregate risk does not exceed EPA's level of concern.

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). Pyriproxyfen is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to pyriproxyfen.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 2,200 for children 1 to <2 years old, the population subgroup receiving the greatest exposure. Because EPA's level of concern (LOC) for pyriproxyfen is a MOE of 100 or below, this MOE is not of concern.

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

Pyriproxyfen is currently registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to pyriproxyfen.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in an aggregate MOE of 760 for children 1 to <2 years old, the population subgroup receiving the greatest exposure. Because EPA's LOC for pyriproxyfen is a MOE of 100 or below, this MOE is not of concern.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (Gas Chromatography with Nitrogen-Phosphorous Detection; GC/NPD) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

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.

No Codex MRL for residues of pyriproxyfen is established in/on tea commodities.

C. Revisions to Petitioned-for Tolerances

Although the petitioner requested a tolerance for 15.0 ppm, the Agency is establishing a tolerance at 15 ppm, consistent with the current practices regarding significant figures for tolerance setting.

V. Conclusion

Therefore, 40 CFR 180.510 is being amended to increase the currently established tolerance for residues of pyriproxyfen in/on tea from 0.02 ppm to 15 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 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 § 180.510, revise the entry for tea in the table in paragraph (a)(1) to read as follows:

§ 180.510 Pyriproxyfen; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Tea	15
* * * * *	

* * * * *

[FR Doc. 2016–03608 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Chapter IV

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter IV

[FWS–HQ–ES–2016–N017; FF09E00000 167 FXES11130900000]

Revised Interagency Cooperative Policy Regarding the Role of State Agencies in Endangered Species Act Activities

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

ACTION: Notice of policy revision.

SUMMARY: The Fish and Wildlife Service and National Marine Fisheries Service announce an interagency policy to clarify the role of State agencies in activities undertaken by the Services under authority of the Endangered Species Act of 1973, as amended, and associated regulations. The policy, which is a revision of a policy issued in 1994, reflects a renewed commitment by the Services and State fish and wildlife agencies to work together in conserving America's imperiled wildlife.

DATES: February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Gary Frazer, Assistant Director for Ecological Services, U.S. Fish and Wildlife Service, 18th and C Streets NW., Washington, DC 20240; telephone 202/208–4646; facsimile 703/358–5618, or Angela Somma, Chief, Endangered Species Division, National Marine Fisheries Service, 1355 East-West Highway, Silver Spring, Maryland 20910; telephone 301/427–8403; facsimile 301/713–0376. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Congress enacted the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA or Act), to establish a program for the conservation of endangered and threatened species and the ecosystems on which they depend. The Secretaries of the Interior and Commerce (hereafter referred to as ''the Secretaries'') have the responsibility for administering the ESA. The Secretaries have delegated this responsibility to the U.S. Fish and Wildlife Service of the Department of the Interior and the National Marine Fisheries Service of the Department of Commerce (hereafter referred to as ''the Services'').

The Services recognize that, in the exercise of their general governmental powers, States possess broad trustee and police powers over fish, wildlife, and plants and their habitats within their borders. Unless preempted by Federal authority, States possess primary authority and responsibility for protection and management of fish, wildlife, and plants and their habitats.

State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist the Services in implementing all aspects of the Act. In this regard, section 6 of the Act provides that the Services shall cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. The term State agency means any State agency, department, board, commission, or other governmental entity that is responsible for the management and conservation of fish, plant, or wildlife resources within a State.

State Involvement

In 1994, the Services published a policy regarding the role of State fish and wildlife agencies in implementing the ESA (59 FR 34275; July 1, 1994). That policy has been available on the Services' Web sites. We are now updating and revising that policy. The updated policy, developed in coordination with the State fish and wildlife agencies, reaffirms the commitment for engagement and collaboration between the Services and State fish and wildlife agencies on many aspects of ESA implementation, with the understanding that this collaboration is undertaken in the context of the ESA's statutory timelines.

The revised policy reflects a renewed commitment by the Services and State fish and wildlife agencies to work together in conserving America's imperiled wildlife. The revised policy also references the suite of ESA conservation tools not available or in common use when the policy was originally developed in 1994. These tools include Habitat Conservation Plans, Candidate Conservation Agreements with Assurances, and Safe Harbor Agreements. All of these tools are set forth in regulations in title 50 of the Code of Federal Regulations in part 17.

Changes to the policy include more proactive conservation of imperiled species before they require protections of the ESA, expanded opportunities for engagement on listing and recovery activities, and improved planning with State agencies across a species' range. The revised policy follows:

Policy Regarding the Role of State Agencies in Endangered Species Act Activities

Section 6 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), directs the Secretaries of the Interior and Commerce to cooperate to the maximum extent practicable with the States in carrying out ESA programs. In furtherance of this provision of the law, it is the policy of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to involve State agencies as described in the items listed below for the following ESA activities:

A. Prelisting Conservation

1. Use the expertise and solicit the information of State agencies in determining which species should be included on the list of candidate animal and plant species.

2. Use the expertise and solicit the information of State agencies in conducting population status inventories and geographical distribution surveys to determine which species warrant listing.

3. Use the expertise of State agencies in designing and implementing prelisting stabilization actions, consistent with their authorities, for species and habitat to remove or alleviate threats so that the listing priority is reduced or listing as endangered or threatened is not warranted. Encourage collaborative conservation planning with State agencies across the range of a species, including, as appropriate, through State Wildlife Action Plans, and work collaboratively with State agencies to facilitate voluntary conservation actions on behalf of species before they reach the point at which they need to be listed as threatened or endangered under the Act.

4. Work collaboratively with State agencies to design and encourage the use of Candidate Conservation Agreements with Assurances to provide non-Federal landowners with incentives for engaging in voluntary proactive conservation of species that are candidates for listing under the Act.

B. Listing

1. Use the expertise of, and coordinate and collaborate with, State agencies in developing the scientific foundation upon which the Services base their determinations for listing actions, including: 12-month petition findings; proposed and final listing rules; section 4(d) rules that specify the prohibitions necessary and advisable for the conservation of species listed as threatened; proposed and final critical habitat designations; and proposed and final rules to change the status of a species from endangered to threatened (or vice versa) or to remove a species from the list.

2. Provide notification to State agencies of any proposed regulation in accordance with provisions of the Act and coordinate with State agencies in developing any work plans for future listing activities.

C. Consultation

1. Inform State agencies of any Federal agency action that is likely to adversely affect listed species or designated critical habitat, or that is likely to adversely affect species proposed for listing or proposed critical habitat, and request relevant information from them, including the results of any related studies, in analyzing the effects of the action and cumulative effects on the species and habitat.

2. Request an information update from State agencies prior to preparing the final biological opinion to ensure that the findings and recommendations are based on the best scientific and commercial data available.

3. Recommend to Federal agencies that they provide State agencies with copies of the final biological opinion unless the information related to the consultation is protected by national security classification or is confidential business information. Decisions to release such classified or confidential business information shall follow the action agency's procedures. Biological opinions not containing such classified or confidential business information will be provided to the State agencies by the Services, if not provided by the action agency, after 10 working days. The exception to this waiting period allows simultaneous provision of copies when there is a joint Federal-State consultation action.

D. Habitat Conservation Planning

1. Use the expertise and solicit the information and participation of State agencies in all aspects of the habitat conservation planning process.

2. Work collaboratively with State agencies to the maximum extent practicable to advance efficiency and avoid duplication of effort when the Services and the States both have similar authority for permitting activities related to threatened and endangered species.

E. Recovery

1. Use the expertise and solicit the information and participation of State agencies in all aspects of the recovery planning process for all species under their jurisdiction.

2. Use the expertise and solicit the information and participation of State agencies in implementing recovery plans for listed species. State agencies have the capabilities to carry out many of the actions identified in recovery plans and are in an excellent position to do so because of their close working relationships with local governments and landowners.

3. Recognize and use the expertise and authority of State agencies in designing and implementing monitoring programs for species that have been removed from the Lists of Endangered and Threatened Wildlife and Plants. Unless preempted by Federal authority (*e.g.,* Marine Mammal Protection Act, Bald and Golden Eagle Protection Act), States possess primary authority and responsibility for protection and management of fish, wildlife, and plants and their habitats, and are in an

excellent position to provide for the conservation of these species following their removal from the lists.

4. Work collaboratively with State agencies to design and encourage the use of Safe Harbor Agreements to assist in recovery of listed species.

Authors

The primary authors of this draft policy are the staff members of the Ecological Services Program, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, VA 22041 and staff members of the Endangered Species Division, National Marine Fisheries Service, 1355 East-West Highway, Silver Spring, Maryland 20910.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 5, 2016.

Daniel M. Ashe,

Director, U.S. Fish and Wildlife Service.

Dated: February 10, 2016.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–03541 Filed 2–19–16; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 81, No. 34
Monday, February 22, 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 AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

RIN 0580–AB13

Reauthorization of the United States Grain Standards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published by the Grain Inspection, Packers and Stockyards Administration (GIPSA) in the **Federal Register** of January 25, 2016, regarding (GIPSA) proposal to revise existing regulations and add new regulations under the United States Grain Standards Act (USGSA), as amended, in order to comply with amendments to the USGSA made by the Agriculture Reauthorizations Act of 2015. The document contained the incorrect RIN.

DATES: Effective February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Barry Gomoll, (202) 720–8286.

SUPPLEMENTARY INFORMATION:

Correction

In proposed rule FR Doc 2016–01083, published on January 25, 2016, 81 FR 3970, make the following correction: On page 3970, in the first column, correct the RIN to read 0580–AB24.

Dated: February 10, 2016.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–03196 Filed 2–19–16; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2011–0088]

RIN 3150–AI97

Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) plans to hold a public meeting to discuss proposed amendments to its regulations to incorporate by reference seven recent editions and addenda to the American Society of Mechanical Engineers (ASME) codes for nuclear power plants, an ASME standard for quality assurance, and four ASME code cases. The purpose of the meeting is to discuss public comments on the proposed rule, in order to enhance the NRC's understanding of the comments.

DATES: The public meeting will be held on March 2, 2016. See Section II, Public Meeting, of this document for more information on the meeting.

ADDRESSES: Please refer to Docket ID NRC–2011–0088 when contacting the NRC about the availability of information regarding this meeting. You may obtain publicly-available information related to this meeting using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jennifer C. Tobin, telephone: 301–415–2328, email: *Jennifer.Tobin@nrc.gov* or Keith Hoffman, telephone: 301–415–1294, email: *Keith.Hoffman@nrc.gov.* Both are staff of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On September 18, 2015 (80 FR 56820), the NRC published for public comment a proposed rule to amend its regulations in § 50.55a of title 10 of the *Code of Federal Regulations* (10 CFR). The public comment period for the proposed rule closed on December 2, 2015. The goal of this rulemaking is to revise the NRC's regulations to incorporate by reference seven recent editions and addenda to the ASME codes for nuclear power plants and an ASME standard for quality assurance. The NRC is also proposing to incorporate by reference four ASME code cases.

II. Public Meeting

The NRC plans to hold the public meeting on March 2, 2016, from 1:00 p.m. to 4:30 p.m. (EST). Participation will be via teleconference and Webinar only. The purpose of the meeting is to discuss public comments on the proposed rule in order to enhance the NRC's understanding of the associated comments. Stakeholders will have an opportunity to ask questions and seek clarification from the NRC staff about the proposed rule. The NRC will consider the information developed at the meeting in developing the final rule. The final rulemaking will not include formal comment responses to any oral comments made at this meeting. In addition, the NRC is not providing an additional opportunity to submit written public comments in connection with this meeting.

Information for the teleconference and Webinar is available in the meeting notice, which can be accessed through the NRC's public Web site at: *http://meetings.nrc.gov/pmns/mtg.*

Participants must register at the Internet link in the meeting notice to participate in the Webinar.

Additional details regarding the meeting will be posted at least 10 days prior to the public meeting on the NRC's public meeting Web site at: *http://meetings.nrc.gov/pmns/mtg.*

Dated at Rockville, Maryland, this 12th day of February 2016.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–03593 Filed 2–19–16; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Docket No. R–1532]

RIN 7100 AE–46

Regulation C Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking; request for public comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is proposing to repeal its Regulation C, which was issued to implement the Home Mortgage Disclosure Act (HMDA). Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) transferred rulemaking authority for a number of consumer financial protection laws, including HMDA, from the Board to the Bureau of Consumer Financial Protection (Bureau). In December 2011, the Bureau published an interim final rule establishing its own Regulation C to implement HMDA, which substantially duplicated the Board's Regulation C. In October 2015, the Bureau finalized the interim final rule and expanded and revised its Regulation C, pursuant to the Dodd-Frank Act.

HMDA requires covered financial institutions to collect and report loan data in connection with residential mortgage applications and loans. Although the Board retains authority to issue some consumer financial protection rules, all rulemaking authority under HMDA concerning mortgage loan transactions was transferred to the Bureau. Accordingly, the Board is proposing to repeal its Regulation C and the Official Staff Commentary that accompanies the regulation.

DATES: Comments must be received on or before April 27, 2016.

ADDRESSES: You may submit comments, identified by Docket No. R–1532 and RIN 7100 AE–46, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Nikita M. Pastor, Counsel, Division of Consumer and Community Affairs, at (202) 452–3667, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.,* historically was implemented by the Board's Regulation C, published at 12 CFR part 203. The purpose of the act and regulation is to provide the public with sufficient information about mortgage loans to determine whether financial institutions are serving the housing credit needs of their communities; encourage private investments to areas in need; and collect and report applicant and borrower characteristic data to identify potential lending discrimination. Accordingly, HMDA requires covered financial institutions to report loan data in connection with mortgage loan applications.

Title X of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011, with some exceptions. In connection with the transfer of the Board's rulemaking authority for HMDA, the Bureau published an interim final rule to establish its own Regulation C, 12 CFR part 1003, to implement HMDA (Bureau Interim Final Rule).[1] In October 2015, the Bureau finalized its own Regulation C, including rules that expand and revise the data collection and reporting regime required under HMDA, as amended by the Dodd-Frank Act.[2]

Under Section 1029(a) of the Dodd-Frank Act, the Board generally retains authority to issue rules for certain motor vehicle dealers that are predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both. For purposes of Section 1029, a ''motor vehicle'' is defined to include, among other things, motor homes, recreational vehicle trailers (RVs) and recreational boats.[3] The Dodd-Frank Act also provided several exceptions to the Board's rulemaking authority over motor vehicle dealers. Specifically, Section 1029(b)(1) of the Dodd-Frank Act provides that the Board's rulemaking authority does not apply to any motor vehicle dealer to the extent that the motor vehicle dealer ''provides consumers with any services related to residential or commercial mortgages or self-financing transactions involving real property.'' [4] Accordingly, all rulemaking authority under HMDA concerning mortgage loan transactions was transferred to the Bureau.

II. Discussion

HMDA and Regulation C apply to covered financial institutions. For this purpose, financial institutions include depository institutions, such as a bank, savings institution, or credit union that meet certain coverage tests. Financial institutions also include non-depository, mortgage lending institutions that have an office in a metropolitan statistical area and meet certain asset and home lending thresholds. *See* 12 U.S.C. 2802; 12 CFR 203.2 and 12 CFR 1003.2. Entities that are subject to HMDA must collect and report loan data to the appropriate federal agency on its housing-related

[1] 76 FR 78465 (Dec. 19, 2011).

[2] *See Home Mortgage Disclosure (Regulation C),* 80 FR 66128 (Oct. 28, 2015).

[3] Dodd-Frank Act, Public Law 111–2033, Section 1029(f)(1).

[4] Dodd-Frank Act, Public Law 111–2033, Section 1029(b)(1).

loan activities (*i.e.,* mortgage loan applications). HMDA's requirements concerning mortgage loans were implemented in Regulation C to apply to home purchase loans secured by a dwelling (or refinancings) and home improvement loans.[5]

As noted above, the Dodd-Frank Act transferred the Board's rulemaking authority under HMDA and other enumerated consumer protection laws to the Bureau, but Section 1029 of the Dodd-Frank Act also preserved the Board's rulemaking authority over certain motor vehicle dealers, with some exceptions. The rulemaking authority retained by the Board under Section 1029 does not extend to residential or commercial mortgages or self-financing transactions involving real property.[6] Thus, all rulemaking authority under HMDA, which pertains only to mortgage loan transactions, was transferred to the Bureau. Consequently, the Board is publishing a proposal to repeal the Board's Regulation C, 12 CFR part 203.

The Board requests comment on any technical issues raised by the proposed repeal of the Board's Regulation C.

III. Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) generally requires an agency to perform an assessment of the impact a rule is expected to have on small entities. Based on its analysis, and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

1. *Statement of the need for, and objectives of, the proposed rule.* Title X of the Dodd-Frank Act transferred rulemaking authority for HMDA and other enumerated consumer financial protection laws from the Board to the Bureau, effective July 21, 2011. In December 2011, the Bureau issued an Interim Final Rule to implement HMDA pursuant to the transfer of rulemaking authority. Although the Board retains authority to issue some consumer financial protection rules, all rulemaking authority under HMDA concerning mortgage loan transactions was transferred to the Bureau. Consequently, the Board is proposing to repeal the Board's Regulation C, 12 CFR part 203.

2. *Small entities affected by the proposed rule.* Any entity that is currently covered by HMDA is subject to the rules issued by the Bureau, located in 12 CFR part 1003. Therefore the Board's repeal of its Regulation C would not affect any entity, including small entities.

3. *Recordkeeping, reporting, and compliance requirements.* The proposed rule would repeal the Board's Regulation C, 12 CFR part 203, and would therefore not impose any recordkeeping, reporting, or compliance requirements on any entities.

4. *Other federal rules.* The Board has not identified any federal rules that duplicate, overlap, or conflict with the proposed repeal of the Board's Regulation C, 12 CFR part 203.

5. *Significant alternatives to the proposed revisions.* The Board is not aware of any significant alternatives that would further minimize the impact on small entities of the proposed repeal, but solicits comment on this approach.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Federal Reserve by the Office of Management and Budget (OMB). The proposed rule contains no collections of information under the PRA. *See* 44 U.S.C. 3502(3). Accordingly, there is no paperwork burden associated with the proposed rule.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, and Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Board proposes to amend Regulation C, 12 CFR part 203, and the Official Staff Commentary, as set forth below:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

■ 1. Part 203 is removed and reserved.

By order of the Board of Governors of the Federal Reserve System, February 11, 2016.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2016–03229 Filed 2–19–16; 8:45 am]

BILLING CODE P

[5] Regulation C covers loans secured by a ''dwelling,'' which is defined as any residential structure, whether or not it is attached to real property, which would include mobile homes or manufactured homes. 12 CFR 1003.2. Under the Bureau's 2015 final rule, however, recreational vehicles used as a residence are not covered as dwellings for purposes of HMDA. *See* 80 FR 66128, 66145 (Oct. 28, 2015).

[6] Section 1029(b)(1) of the Dodd-Frank Act states: Subsection (a) shall not apply to any person, to the extent such person (1) provides consumers with any services related to residential or commercial mortgages or self-financing transaction involving real property. . . .'' 12 U.S.C. 5519(b).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–3698; Directorate Identifier 2015–NM–138–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767–200 and –300 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the aft pressure bulkhead at a certain area is subject to widespread fatigue damage (WFD). This proposed AD would require replacing the aft pressure bulkhead with a new, improved aft pressure bulkhead, and doing related investigative and corrective actions if necessary. We are proposing this AD to prevent fatigue cracking in the radial web lap splices of the aft pressure bulkhead. Such cracking could result in rapid decompression and consequent reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by April 7, 2016.

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

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

For service information identified in this NPRM, contact Boeing Commercial

Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3698.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3698; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–3698; Directorate Identifier 2015–NM–138–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

We have determined that the aft pressure bulkhead at Station 1582 is subject to WFD. If fatigue cracking in the radial web lap splices of the aft pressure bulkhead is not found and repaired, the cracks can rapidly link up and become large, which could result in rapid decompression and consequent reduced structural integrity of the airplane.

Related Rulemaking

On February 25, 2004, we issued AD 2004–05–16, Amendment 39–13511 (69 FR 10917, March 9, 2004), applicable to certain Boeing Model 767–200 and –300 series airplanes. That AD requires repetitive inspections of the aft pressure bulkhead web, and corrective action, if necessary. The actions required by AD 2004–05–16 are intended to detect and correct fatigue cracks in the aft pressure bulkhead web, which could result in uncontrolled rapid decompression.

On July 1, 2004, we issued AD 2004–14–19, Amendment 39–13728 (69 FR 42549, July 16, 2004), applicable to all Boeing Model 767 series airplanes. That AD requires repetitive detailed inspections of the aft pressure bulkhead for indications of ''oil cans'' and previous ''oil can'' repairs, and corrective actions if necessary. The actions required by AD 2004–14–19 are intended to detect and correct the propagation of fatigue cracks in the vicinity of ''oil cans'' on the web of the aft pressure bulkhead, which could result in rapid decompression of the passenger cabin, possible damage or interference with the airplane control systems that pass through the bulkhead, and consequent loss of control of the airplane.

On March 12, 2009, we issued AD 2009–06–19, Amendment 39–15856 (74 FR 12243, March 24, 2009), applicable to certain Boeing Model 767–200 and 767–300 series airplanes. That AD requires detailed inspections of the aft pressure bulkhead for damage, mid-frequency eddy current (MFEC) and low frequency eddy current (LFEC) inspections of radial web lap splices, tear strap splices, and super tear strap splices for cracking, and corrective actions if necessary. The actions required by AD 2009–06–19 are intended to detect and correct fatigue

cracks of the aft pressure bulkhead, which could result in rapid decompression of the passenger compartment and possible damage or interference with airplane control systems that penetrate the bulkhead, and consequent loss of controllability of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 767–53A0267, dated August 13, 2015. The service information describes procedures for replacing the aft pressure bulkhead at Station 1582 of Section 48 with a new, improved aft pressure bulkhead, including all applicable related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between this Proposed AD and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3698.

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

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

Difference Between This Proposed AD and the Service Information

The service bulletin specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

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

Explanation of Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 86 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	1,541 work-hours × $85 per hour = $130,985	$646,889	$777,874	$66,897,164

We have received no definitive data that would enable us to provide cost estimates for the on-condition investigative and corrective actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2016–3698; Directorate Identifier 2015–NM–138–AD.

(a) Comments Due Date

We must receive comments by April 7, 2016.

(b) Affected ADs

This AD affects the ADs specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD.

(1) AD 2004–05–16, Amendment 39–13511 (69 FR 10917, March 9, 2004).

(2) AD 2004–14–19, Amendment 39–13728 (69 FR 42549, July 16, 2004).

(3) AD 2009–06–19, Amendment 39–15856 (74 FR 12243, March 24, 2009).

(c) Applicability

This AD applies to The Boeing Company Model 767–200 and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 767–53A0267, dated August 13, 2015.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the aft pressure bulkhead at Station 1582 is subject to widespread fatigue damage (WFD). We are issuing this AD to prevent fatigue cracking in the radial web lap splices of the aft pressure bulkhead. Such cracking could result in rapid decompression and consequent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Replacement and Related Investigative and Corrective Actions

Before the accumulation of 60,000 total flight cycles, or within 36 months after the effective date of this AD, whichever occurs later, but not earlier than 37,500 total accumulated flight cycles: Replace the aft pressure bulkhead at Station 1582 of Section 48 with a new, improved aft pressure bulkhead, and perform all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–53A0267, dated August 13, 2015; except as required by paragraph (h) of this AD. Do all applicable related investigative and corrective actions before further flight. Accomplishing the replacement in this paragraph terminates the repetitive inspections of the aft pressure bulkhead required by the ADs identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Paragraphs (a) and (b) of AD 2004–05–16, Amendment 39–13511 (69 FR 10917, March 9, 2004).

(2) Paragraphs (b), (c), and (d) of AD 2004–14–19, Amendment 39–13728 (69 FR 42549, July 16, 2004).

(3) Paragraph (f) of AD 2009–06–19, Amendment 39–15856 (74 FR 12243, March 24, 2009).

(h) Corrective Actions

If any defect (*e.g.*, rifling, gouging, nicks, or burrs, or excessive surface roughness) is found in any fastener hole (other than normally produced during a typical reaming operation), during accomplishment of any inspection (related investigative actions) required by this AD, and Boeing Alert Service Bulletin 767–53A0267, dated August 13, 2015, specifies to contact Boeing for repair instructions: Before further flight, repair in accordance with the procedures specified in paragraph (j) of this AD.

(i) Exception to the Service Information

Where Boeing Alert Service Bulletin 767–53A0267, dated August 13, 2015, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified time after the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–03466 Filed 2–19–16; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1274

[NASA Case 2015–N014]

RIN 2700–AE25

Cooperative Agreements With Commercial Firms

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is proposing to amend its regulations to implement section 872 of the National Defense Authorization Act for Fiscal Year 2009, as the statute applies to grants and cooperative agreements. The revision is part of NASA's retrospective plan under Executive Order (EO) 13563 completed in August 2011.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 22, 2016, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by NASA Case 2015–N014, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''NASA Case 2015–N014'' under the heading ''Enter keyword or

ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''NASA Case 2015–N014.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''NASA Case 2015–N014'' on your attached document.

○ *Email:* Comments may be sent to Barbara J. Orlando. Include NASA Case 2015–N014 in the subject line of the message.

○ *Fax:* (202) 358–3082.

○ *Mail:* National Aeronautics and Space Administration, Headquarters, Office of Procurement, Contract and Grant Policy Division, Attn: Barbara J. Orlando, Room 5L32, 300 E Street SW., Washington, DC 20546–0001.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Barbara J. Orlando, NASA HQ, Office of Procurement, Contract and Grant Policy Division, Room 5L32, 300 E Street SW., Washington, DC 20456–0001. Telephone 202–358–3740; facsimile 202–358–3082.

SUPPLEMENTARY INFORMATION:

I. Background

NASA is proposing to revise 14 CFR part 1274, to implement Section 872 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009 (Pub. L. 110–417, codified as amended at 41 U.S.C. 2313), which established a database that includes governmentwide data with specified information related to the integrity and performance of entities awarded Federal grants and contracts.

On July 22, 2015, the Office of Management and Budget (OMB) issued final guidance, *Guidance for Reporting and Use of Information Concerning Recipient Integrity and Performance* (*https://www.gpo.gov/fdsys/pkg/FR-2015-07-22/pdf/2015-17753.pdf*) to Federal agencies to implement section 872 of the NDAA for FY 2009, (hereafter referred to as ''section 872'') for grants and cooperative agreements that were subject to the regulations published under 2 CFR part 200. Pursuant to section 872, OMB and the General Services Administration (GSA) established an integrity and performance system that includes government-wide data with specified information related to the integrity and performance of entities awarded Federal grants, cooperative agreements, and contracts. This system, as the Federal Awardee Performance and Integrity Information System (FAPIIS), integrates various sources of information on the eligibility of organizations for Government awards and is currently available at *https://www.fapiis.gov.*

This rule proposes to implement the requirements of section 872 for recipients and NASA staff to report information that will appear in FAPIIS. In addition, section 872 requires NASA to consider information contained within the system about a non-Federal entity before awarding a grant or cooperative agreement to that non-Federal entity. The proposed rule also addresses how FAPIIS and other information may be used in assessing recipient integrity.

The major elements proposed in this rule are as follows:

- NASA is to report information in FAPIIS about—
  - Any termination of an award due to a material failure to comply with the award terms and conditions;
  - Any administrative agreement with a non-Federal entity to resolve a suspension or debarment proceeding; and
  - Any finding that a non-Federal entity is not qualified to receive a given award, if the finding is based on criteria related to the non-Federal entity's integrity or prior performance under Federal awards and it is anticipated that the total Federal funding will exceed the simplified threshold during the period of performance.
- Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must enter information in FAPIIS about certain civil, criminal, and administrative proceedings that reached final disposition within the most recent five year period and that were connected with the award or performance of a Federal award.
- Recipients that have been awarded a Federal contract, grant, and cooperative agreement with a cumulative total value greater than $10,000,000 are required to disclose semiannually the information about the criminal, civil, and administrative proceedings as described in section 872 (c).
- Federal awarding agencies, prior to making an award to a non-Federal entity, must review FAPIIS to determine whether that non-Federal entity is qualified to receive the Federal award. In making the determination, NASA must take into consideration any information about the entity that is in FAPIIS.
- Notice of funding opportunities and Federal award terms and conditions to inform a non-Federal entity that it may submit comments in FAPIIS about any information that NASA had reported to the system about the non-Federal entity, for consideration by NASA in making future Federal awards to the non-Federal entity.

II. Discussion

Section 872 applies without distinguishing between for-profit and other recipients. Thus agencies must apply the requirements reflected in this guidance to for-profit recipients by way of agency regulations, policies, or directly through the terms and conditions of Federal awards.

NASA grants and cooperative agreements to commercial firms, when cost share is required, are not covered under 2 CFR 200, but under regulations promulgated in 14 CFR 1274. Accordingly, NASA is proposing to amend 14 CFR 1274, Cooperative Agreements with Commercial Firms, to incorporate the new guidelines implementing section 872.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Paperwork Reduction Act

The rule contains collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35); however, these changes to 14 CFR 1274 do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 3090–0293, titled *Reporting and Use of Information Concerning Integrity and Performance*

of Recipients of Grants and Cooperative Agreements.

List of Subjects in 14 CFR Part 1274

Government financial assistance.

Manuel Quiñones,

NASA Federal Register Liaison.

Accordingly, 14 CFR part 1274 is proposed to be amended as follows:

PART 1274—COOPERATIVE AGREEMENTS WITH COMMERCIAL FIRMS

■ 1. The authority citation for 14 CFR part 1274 continues to read as follows:

Authority: 51 U.S.C. 20113(e) and 31 U.S.C. 6301 to 6308; 51 U.S.C. 20102, *et seq.*

■ 2. Amend § 1274.203 by adding paragraph (g) to read as follows:

§ 1274.203 Solicitations/cooperative agreement notices.

* * * * *

(g) If NASA anticipates that the total Federal share of any award made under a funding agreement may exceed, over the period of performance, the simplified acquisition threshold, the notice of funding opportunity must include the information as required in Appendix 1 to Part 200, paragraph E.3, paragraph E.4, and paragraph F.3

■ 3. Amend § 1274.209 by redesignating paragraphs (e) through (l) as (f) through (m), respectively and adding a new paragraph (e) to read as follows:

§ 1274.209 Evaluation and selection.

* * * * *

(e)(1) Prior to making a Federal award, agreement officers are required by 31 U.S.C. 3321 and 41 U.S.C. 2313 note, to review information available through any OMB-designated repositories of governmentwide eligibility qualification, currently the System of Award Management (SAM), or financial integrity information (currently Federal Awardee Performance and Integrity Information System (FAPIIS)), as appropriate. See also suspension and debarment requirements at 2 CFR part 180 as well as individual Federal agency suspension and debarment regulations in title 2 of the Code of Federal Regulations.

(2) In accordance with 41 U.S.C. 2313, agreement officers are required to review the non-public segment of FAPIIS prior to making a Federal award where the Federal share is expected to exceed the simplified acquisition threshold, defined in 41 U.S.C. 134, over the period of performance. At a minimum, the information in the system for a prior Federal award recipient must demonstrate a satisfactory record of executing programs or activities under Federal grants, cooperative agreements, or procurement awards; and integrity and business ethics. NASA may make a Federal award to a recipient who does not fully meet these standards, if it is determined that the information is not relevant to the current Federal award under consideration or there are specific conditions that can appropriately mitigate the effects of the non-Federal entity's risk in accordance with 2 CFR 200 section 200.207, Specific conditions.

* * * * *

■ 4. Amend § 1274.211 by:

■ a. In paragraph (c), removing ''*Central Contractor Registration (CCR)*'' and adding ''*System for Award Management (SAM)*''; removing ''Department of Defense (DOD) Central Contractor Registration (CCR)'' and adding ''System for Award Management''; removing ''CCR'' and adding ''SAM''; and removing ''*http://www.ccr2000.com* or by calling toll free: 888–227–2423, commercial: 616–961–5757'' and adding ''sam.gov'' in its place; and

■ b. Adding paragraph (d)(5) to read as follows:

§ 1274.211 Award procedures.

* * * * *

(d) * * *

(5) The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the assigned agreement officer or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in § 200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

■ 5. Amend § 1274.212 by revising the section heading and adding paragraph (c) to read as follows:

§ 1274.212 Award information.

* * * * *

(c) *Recipient integrity and performance matters.* If the total Federal share of the Federal award is more than $500,000 over the period of performance, agreement officers must include the terms and conditions in § 1274.944 of this chapter.

■ 6. Amend subpart 1274.3 by adding new §§ 1274.303 and 1274.304 to read as follows:

§ 1274.303 Public access to Federal award information.

(a) In accordance with statutory requirements for Federal spending transparency (*e.g.,* FFATA), except as noted in this section, for applicable Federal awards NASA must announce all Federal awards publicly and publish the required information at *www.USAspending.gov.*

(b) All information posted in FAPIIS, accessible through SAM, on or after April 15, 2011 will be publicly available after a waiting period of 14 calendar days, except for—

(1) Past performance reviews required by Federal Government contractors in accordance with the Federal Acquisition Regulation (FAR) 42.15;

(2) Information that was entered prior to April 15, 2011; or

(3) Information that is withdrawn during the 14-calendar day waiting period by the Federal Government official.

(c) Nothing in this section may be construed as requiring the publication of information otherwise exempt under the Freedom of Information Act (5 U.S.C. 552), or controlled unclassified information pursuant to Executive Order 13556.

§ 1274.304 Reporting a determination that a non-Federal entity is not qualified for a Federal award.

(a) If NASA does not make a Federal award to a non-Federal entity because the agreement officer determines that the non-Federal entity does not meet either or both of the minimum qualification standards, as described in paragraph (a)(2) of title 2 CFR part 200 section 200.205, the agreement officer must report that determination in FAPIIS, accessible through SAM, only if all of the following apply:

(1) The only basis for the determination described in paragraph (a) of this section is the non-Federal entity's prior record of executing programs or activities under Federal awards or its record of integrity and business ethics, as described in paragraph (a)(2) of 2 CFR 200.205, (*i.e.,* the entity was determined to be qualified based on all factors other than those two standards); and

(2) The total Federal share of the Federal award that otherwise would be made to the non-Federal entity is expected to exceed the simplified acquisition threshold over the period of performance.

(b) Agreement officers are not required to report a determination that

a non-Federal entity is not qualified for a Federal award if they make the Federal award to the non-Federal entity and includes specific award terms and conditions (see CFR 1274.209).

(c) If the agreement officer reports a determination that a non-Federal entity is not qualified for a Federal award, as described in paragraph (a) of this section, the agreement officer also must notify the non-Federal entity that—

(1) The determination was made and reported to FAPIIS, accessible through SAM, and include with the notification an explanation of the basis for the determination;

(2) The information will be kept in the system for a period of five years from the date of the determination, as required by section 872 of Public Law 110–417, as amended (41 U.S.C. 2313), then archived;

(3) Agreement officers making a Federal award to the non-Federal entity during that five year period must consider the information found in FAPIIS when judging whether the non-Federal entity is qualified to receive the Federal award when the total Federal share of the Federal award is expected to include an amount of Federal funding in excess of the simplified acquisition threshold over the period of performance of the award;

(4) The non-Federal entity may go to the awardee integrity and performance portal accessible through SAM (currently the Contractor Performance Assessment Reporting System (CPARS)) and comment on any information the system contains about the non-Federal entity itself; and

(5) Agreement officers will consider that non-Federal entity's comments in determining whether the non-Federal entity is qualified for a future Federal award.

(d) If the agreement officer enters information into FAPIIS about a determination that a non-Federal entity is not qualified for a Federal award and subsequently—

(1) Learns that any of that information is erroneous, the agreement officer must correct the information in the system within three business days; and

(2) Obtains an update to that information that could be helpful to other Federal awarding agencies, the agreement officer is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(e) The agreement officer shall not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the recipient asserts within seven calendar days to NASA that some or all of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, agreement officers must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, agreement officers must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

■ 7. Amend section 1274.701 by adding paragraphs (b)(5) through (b)(8), (c), and (d) to read as follows:

1274.701 Suspension or termination.

* * * * *

(b) * * *

(5) When NASA terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, NASA must report the termination in FAPIIS.

(6) The information required under paragraph (b) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either—

(i) Has exhausted its opportunities to object or challenge the decision, see § 200.341 Opportunities to object, hearings and appeals; or

(ii) Has not, within 30 calendar days after being notified of the termination, informed the agreement officer that it intends to appeal the decision to terminate.

(7) If the agreement officer, after entering information into FAPIIS about a termination, subsequently:

(i) Learns that any of that information is erroneous, the agreement officer must correct the information in the system within three business days;

(ii) Obtains an update to that information that could be helpful to other Federal awarding agencies, the agreement officer is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(8) Agreement officers shall not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, agreement officers must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, agreement officers must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

(c) When a Federal award is terminated or partially terminated, both NASA or the pass-through entity and the non-Federal entity remain responsible for compliance with the closeout and post-closeout requirements and continuing responsibilities.

(d) *Notification of termination requirement.* If the Federal award is terminated for the non-Federal entity's material failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the notification must state that—

(1) The termination decision will be reported in FAPIIS, accessible through SAM;

(2) The information will be available in FAPIIS for a period of five years from the date of the termination, then archived;

(3) When considering making a Federal award to the non-Federal entity during that five year period, NASA must consider that information in judging whether the non-Federal entity is qualified to receive the Federal award, when the Federal share of the Federal award is expected to exceed the simplified acquisition threshold over the period of performance;

(4) The non-Federal entity may comment on any information that the OMB-designated integrity and performance system contains about the non-Federal entity for future consideration by NASA. The non-Federal entity may submit comments to the awardee integrity and performance portal accessible through SAM (currently (CPARS).

(5) Agreement officers will consider non-Federal entity comments when determining whether the non-Federal entity is qualified for a future Federal award.

■ 8. Add § 1274.803 to read as follows:

§ 1274.803 Suspension and Debarment.

Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180, adopted by NASA at 2 CFR part 1880. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

■ 9. Amend subpart 1274.9 by adding § 1274.944 to read as follows:

§ 1274.944 Award term and condition for recipient integrity and performance matters.

(a) *Reporting of matters related to recipient integrity and performance.*

(1) *General reporting requirement.*

(i) If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313).

(ii) As required by section 3010 of Public Law 111–212, all information posted in FAPIIS on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

(2) *Proceedings about which you must report.* Submit the information required about each proceeding that—

(i) Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

(ii) Reached its final disposition during the most recent five year period; and

(iii) Is one of the following:

(A) A criminal proceeding that resulted in a conviction, as defined in paragraph (a)(2)(iii)(A)(*5*) of this section.

(B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) An administrative proceeding, as defined in paragraph (a)(2)(iii)(A)(*5*) of this section, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000.

(D) Any other criminal, civil, or administrative proceeding if—

(*1*) It could have led to an outcome described in paragraph (a)(2)(iii)(A), (B), or (C) of this section;

(*2*) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(*3*) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

(3) *Reporting procedures.* Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph (a)(2)(iii)(A)(*5*) of this section. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM, because you were required to do so under Federal procurement contracts that you were awarded.

(4) *Reporting frequency.* During any period of time when you are subject to the requirement in paragraph (a)(1) of this section, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

(5) *Definitions.* For purposes of this award term and condition:

(i) Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (*e.g.,* Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

(ii) Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

(6) Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(i) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(ii) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

[FR Doc. 2016–02979 Filed 2–19–16; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS–R7–SM–2015–0003; FXRS12610700000–156–FF07J00000; FBMS #4500089925]

RIN 1018–BA76

Subsistence Management Regulations for Public Lands in Alaska—2017–18 and 2018–19 Subsistence Taking of Fish and Shellfish Regulations

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish regulations for fish and shellfish seasons, harvest limits, methods, and means related to taking of fish and shellfish for subsistence uses during the 2017–2018 and 2018–2019 regulatory years. The Federal Subsistence Board (Board) is on a schedule of completing the process of revising subsistence taking of fish and shellfish regulations in odd-numbered years and subsistence taking of wildlife regulations in even-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. When final, the resulting rulemaking will replace the existing subsistence fish and shellfish taking regulations. This proposed rule would also amend the general regulations on subsistence taking of fish and wildlife.

DATES: *Public meetings:* The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make proposals to change this proposed rule March 7 through March 11, 2016, and then hold another round of public meetings to discuss and receive comments on the proposals, and make recommendations on the proposals to the Federal Subsistence Board, on several dates between September 28 and November 2, 2016. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in January 2017. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

Public comments: Comments and proposals to change this proposed rule must be received or postmarked by April 1, 2016.

ADDRESSES: *Public meetings:* The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils' public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

Public comments: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov* and search for FWS–R7–SM–2015–0003, which is the docket number for this rulemaking.
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Gene Peltola, Office of Subsistence Management; (907) 786–3888 or *subsistence@fws.gov.* For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743–9461 or *twhitford@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations were published in the **Federal Register** on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): title 36, ''Parks, Forests, and Public Property,'' and title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain subparts as follows: subpart A, General Provisions; subpart B, Program Structure; subpart C, Board Determinations; and subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Regional Advisory Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Advisory Council members represent varied geographical, cultural, and user interests within each region.

Public Review Process—Comments, Proposals, and Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Federal Subsistence Regional Advisory Councils, will hold public meetings on this proposed rule at the following location in Alaska, on the following dates:

Joint Regional Advisory Council Meeting, Anchorage, March 7–11, 2016

During April 2016, the written proposals to change the regulations at subpart D, take of fish and shellfish, and subpart C, customary and traditional use determinations, will be compiled and distributed for public review. During the 30-day public comment period, which is presently scheduled to end on May 26, 2016, written public comments will be accepted on the distributed proposals.

The Board, through the Regional Advisory Councils, will hold a second series of public meetings in August through October 2016, to receive comments on specific proposals and to develop recommendations to the Board at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council, Petersburg, October 4, 2016
Region 2—Southcentral Regional Council, Anchorage, October 18, 2016
Region 3—Kodiak/Aleutians Regional Council, Cold Bay, September 28, 2016
Region 4—Bristol Bay Regional Council, Dillingham, October 26, 2016
Region 5—Yukon–Kuskokwim Delta Regional Council, Bethel, October 12, 2016
Region 6—Western Interior Regional Council, McGrath, October 11, 2016
Region 7—Seward Peninsula Regional Council, Nome, November 1, 2016
Region 8—Northwest Arctic Regional Council, Selawik, October 5, 2016
Region 9—Eastern Interior Regional Council, Fort Yukon, October 25, 2016
Region 10—North Slope Regional Council, Barrow, November 1, 2016

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers prior to both series of meetings. Locations and dates may change based on weather or local circumstances. The amount of work on each Regional Advisory Council's agenda determines the length of each Regional Advisory Council meeting.

The Board will discuss and evaluate proposed changes to the subsistence management regulations during a public meeting scheduled to be held in Anchorage, Alaska, in January 2017. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional oral testimony may be

provided on specific proposals before the Board at that time. At that public meeting, the Board will deliberate and take final action on proposals received that request changes to this proposed rule.

Proposals to the Board to modify the general fish and wildlife regulations, fish and shellfish harvest regulations, and customary and traditional use determinations must include the following information:

a. Name, address, and telephone number of the requestor;

b. Each section and/or paragraph designation in this proposed rule for which changes are suggested, if applicable;

c. A description of the regulatory change(s) desired;

d. A statement explaining why each change is necessary;

e. Proposed wording changes; and

f. Any additional information that you believe will help the Board in evaluating the proposed change.

The Board immediately rejects proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § ____.24, subpart C (the regulations governing customary and traditional use determinations), and §§ ____.25, ____.27, and ____.28 of subpart D (the general and specific regulations governing the subsistence take of fish and shellfish). If a proposal needs clarification, prior to being distributed for public review, the proponent may be contacted, and the proposal could be revised based on their input. Once distributed for public review, no additional changes may be made as part of the original submission. During the January 2017 meeting, the Board may defer review and action on some proposals to allow time for cooperative planning efforts, or to acquire additional needed information. The Board may elect to defer taking action on any given proposal if the workload of staff, Regional Advisory Councils, or the Board becomes excessive. These deferrals may be based on recommendations by the affected Regional Advisory Council(s) or staff members, or on the basis of the Board's intention to do least harm to the subsistence user and the resource involved. A proponent of a proposal may withdraw the proposal provided it has not been considered, and a recommendation has not been made, by a Regional Advisory Council. The Board may consider and act on alternatives that address the intent of a proposal while differing in approach.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Deborah Coble, 907–786–3880, *subsistence@fws.gov,* or 800–877–8339 (TTY), seven business days prior to the meeting you would like to attend.

Tribal Consultation and Comment

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board will commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

Developing the 2017–18 and 2018–19 Fish and Shellfish Seasons and Harvest Limit Proposed Regulations

Subparts C and D regulations are subject to periodic review and revision. The Board currently completes the process of revising subsistence take of fish and shellfish regulations in odd-numbered years and wildlife regulations in even-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle.

The current subsistence program regulations form the starting point for consideration during each new rulemaking cycle. Therefore, the text of three final rules form the text of this proposed rule for the 2015–17 subparts C and D regulations:

The text of the proposed amendments to 36 CFR 242.24 and 50 CFR 100.24 is the final rule for the 2014–2016 regulatory period for wildlife (79 FR 35232; June 19, 2014).

The text of the proposed amendments to 36 CFR 242.25 and 242.27 and 50 CFR 100.25 and 100.27 is the final rule for the 2015–17 regulatory period for fish (80 FR 28187; May 18, 2015).

The text of the proposed amendments to 36 CFR 242.28 and 50 CFR 100.28 is the final rule for the 2011–13 regulatory period for fish and shellfish (76 FR 12564; March 8, 2011).

These regulations will remain in effect until subsequent Board action

changes elements as a result of the public review process outlined above in this document.

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the regulations will not reach the ''may significantly restrict'' threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act (PRA)

This proposed rule does not contain any new collections of information that require OMB approval under the PRA (44 U.S.C. 3501 *et seq.*) OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018–0075. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, this amount would equate to about $6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not

provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The Secretaries, through the Board, will provide a variety of opportunities for consultation: commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Gene Peltola of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA–Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2017–18 and 2018–19 regulatory years.

The text of the proposed amendments to 36 CFR 242.24 and 50 CFR 100.24 is the final rule for the 2014–2016 regulatory period for wildlife (79 FR 35232; June 19, 2014).

The text of the proposed amendments to 36 CFR 242.25 and 242.27 and 50 CFR 100.25 and 100.27 is the final rule for the 2015–17 regulatory period for fish (80 FR 28187; May 18, 2015).

The text of the proposed amendments to 36 CFR 242.28 and 50 CFR 100.28 is the final rule for the 2011–13 regulatory period for fish and shellfish (76 FR 12564; March 8, 2011).

Dated: February 2, 2016.

Gene Peltola,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: February 2, 2016.

Thomas Whitford,

Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2016–03248 Filed 2–19–16; 8:45 am]

BILLING CODE 3410–11–4333–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0848 FRL–9942–55–Region 5]

Air Plan Approval; Wisconsin; Revision to the Milwaukee-Racine-Waukesha 2006 24-Hour Particulate Matter Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve Wisconsin's December 23, 2015, state implementation plan (SIP) revision to the Milwaukee-Racine-Waukesha (Milwaukee), Wisconsin 2006 24-Hour Particulate Matter ($PM_{2.5}$) maintenance plan. This SIP revision establishes new Motor Vehicle Emissions Budgets (MVEB) for Volatile Organic Compounds (VOC) for 2020 and 2025. The MVEBs for Oxides of Nitrogen, Sulfur Dioxide, and $PM_{2.5}$ will remain the same. EPA is approving the allocation of a portion of the safety margin for VOC in the $PM_{2.5}$ maintenance plan to the 2020 and 2025 MVEBs. The 2020 and 2025 total year emissions of VOC for the area will remain below the attainment level required by the transportation conformity regulations.

DATES: Comments must be received on or before March 23, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0848 at *http://www.regulations.gov* or via email to *blakley.pamela@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, 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. 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: Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, *leslie.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be

addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comments on an amendment, paragraph, or section of this rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: February 5, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2016–03492 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0379; FRL–9942–53–Region 5]

Air Plan Approval; Indiana; Particulate Matter Emissions Limits Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to approve a June 1, 2015, request by Indiana to revise the State Implementation Plan to incorporate changes to the particulate matter (PM) rules contained in Title 326 of the Indiana Administrative Code. The proposal affects sources of PM in the state of Indiana.

DATES: Comments must be received on or before March 23, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0379 at *http://www.regulations.gov* or via email to *blakley.pamela@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, 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. 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: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: February 3, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2016–03491 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 81, No. 34
Monday, February 22, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, CA. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held March 17, 2016 from 9:00 a.m. to 12:00 p.m.

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

ADDRESSES: The meeting will be held at 275 Sale Lane, Red Bluff, CA in the Tehama County Farm Bureau conference room.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Mendocino National Forest, 825 North Humboldt Ave., Willows, CA, (530) 934–3316. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Randy Jero, Committee Coordinator by phone at (530) 934–3316 or via email at *rjero@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Discuss current or completed projects and present new projects for review.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 10, 2016 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Randy Jero, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave, Willows, CA 95988; or by email to *rjero@fs.fed.us,* or via facsimile to (530) 934–1212.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: February 8, 2016.

Eduardo Olmedo,

District Ranger.

[FR Doc. 2016–03565 Filed 2–19–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Glenn and Colusa County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Glenn and Colusa County Resource Advisory Committee (RAC) will meet in Willows, CA. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held March 21, 2016 from 1:00 p.m. to 4:00 p.m.

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

ADDRESSES: The meeting will be held at 825 North Humboldt Ave., Willows, CA in the Mendocino National Forest Supervisor's Office, Snow Mountain conference room.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Mendocino National Forest, 825 North Humboldt Ave., Willows, CA, (530) 934–3316. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Zach Rich, Committee Coordinator by phone at (530) 934–3316 or via email at *zrich@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Discuss current or completed projects and present new projects for review.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 14, 2016 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Zach Rich, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave., Willows, CA 95988; or by email to *zrich@fs.fed.us,* or via facsimile to (530) 934–1212.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 8, 2016.

Eduardo Olmedo,

District Ranger.

[FR Doc. 2016–03566 Filed 2–19–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–8–2016]

Foreign-Trade Zone 23—Buffalo, New York, Application for Subzone, Cummins, Inc., Lakewood and Jamestown, New York

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the County of Erie, grantee of FTZ 23, requesting subzone status for the facilities of Cummins, Inc. (Cummins), located in Lakewood and Jamestown, New York. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on February 17, 2016.

The proposed subzone would consist of the following sites: *Site 1* (107.02 acres) Jamestown Engine Plant, 4720 Baker Street Extension, Lakewood, Chautauqua County; and *Site 2* (14.86 acres) JAW Warehouse, 101–133 Jackson Avenue, Jamestown, Chautauqua County. Cummins has indicated that a notification of proposed production activity will be submitted. Such a notification would be processed under 15 CFR 400.37.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

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 April 4, 2016. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 18, 2016.

A copy of the application 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: Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 17, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–03629 Filed 2–19–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–7–2016]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee; Notification of Proposed Production Activity; Volkswagen Group of America Chattanooga Operations, LLC; (Motor Vehicles); Chattanooga, Tennessee

The Chattanooga Chamber Foundation, grantee of FTZ 134, submitted a notification of proposed production activity to the FTZ Board on behalf of Volkswagen Group of America Chattanooga Operations, LLC (VGACO), located in Chattanooga, Tennessee. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 10, 2016.

VGACO already has authority to produce passenger sedans, sport utility vehicles, and minivans within Site 3 of FTZ 134. The current request would add certain foreign-status materials and components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority 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 VGACO from customs duty payments on the foreign status materials and components used in export production. On its domestic sales, VGACO would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles (duty rate 2.5%) for the foreign status materials and components noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The materials and components sourced from abroad include: Plastic hoses; door joint seals; USB hubs; microphones; software; memory cards; and, tip switches (duty rate ranges from free to 3.1%).

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 April 4, 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 16, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–03633 Filed 2–19–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–808]

Silicomanganese From Australia: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (''the Department'') determines that imports of silicomanganese from Australia are being sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Tariff Act of 1930, as amended (the ''Act''). The final weighted-average dumping margins of sales at LTFV are listed below in the section entitled ''Final Determination Margins.''

DATES: *Effective:* February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or Robert Bolling, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4162 or (202) 482–3434, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 2015, the Department published in the **Federal Register** the preliminary determination in the LTFV investigation of silicomanganese from Australia.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the date of publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and invited parties to comment on our *Preliminary Determination.* Moreover, 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 final determination of this investigation is now February 12, 2016.[2]

The following events have occurred since the *Preliminary Determination.* Between September 28, 2015, and November 11, 2015, the Department conducted sales and cost verifications of the respondent in this investigation, Tasmanian Electro Metallurgical Company Pty Ltd. (''TEMCO'') and its U.S. affiliate BHP Billiton Marketing Inc. On October 26, 2015, Felman Production, LLC (''Petitioners'') requested a hearing. On December 16, 2015, TEMCO and the Petitioners submitted case briefs. On December 21, 2015, TEMCO and the Petitioners submitted rebuttal case briefs. On January 11, 2016, the Department held a hearing in this investigation.

Period of Investigation

The period of investigation (''POI'') is January 1, 2014, through December 31, 2014.

Scope of the Investigation

The product covered by this investigation is silicomanganese from Australia. For a full description of the scope of the investigation, *see* Appendix I to this notice.

Verification

As provided in section 782(i) of the Act and 19 CFR 351.307(b)(1)(i), from September 28, 2015 through November 11, 2015, we verified the sales and cost information submitted by TEMCO for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by TEMCO.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum accompanying this notice, and which is hereby adopted by this notice.[4] A list of the issues raised to which the Department responded is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov.* The memorandum is available to all parties in the Central Records Unit, located at Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes to the Margin Calculation Since the Preliminary Determination

Based on a review of the record and comments received from interested parties regarding our *Preliminary Determination,* we made the following changes to TEMCO's margin calculation:

- We recalculated TEMCO's indirect selling expenses (''ISE'') incurred in the United States based on verification findings;
- We recalculated indirect selling expenses incurred in the country of manufacture to reflect minor corrections and verification findings in the calculation of the indirect selling expense ratio;
- We eliminated from the U.S. and home market sales databases the loading charges reported under the fields DLOADU and LOADH, because these charges were double counted in that they were also reported under the fields PACK2H and PACKU;
- We corrected the CEP profit ratio due to a programing error in the Department's margin calculation program from the Preliminary Determination.
- We adjusted the by-product offset for silicomanganese fines generated during production to reflect the POI per-unit sales value.
- We adjusted the reported financial expense ratio to exclude interest income from long-term sources.

Final Determination Margins

The Department determines that the following weighted-average dumping margins exist for the period January 1, 2014, through December 31, 2014:

[1] *See Silicomanganese From Australia: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 80 FR 57787, (September 25, 2015) (*Preliminary Determination*).

[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.

[3] *See* Memorandum to the File from Robert B. Greger, Senior Accountant, through Taija A. Slaughter, Lead Accountant, and Neal Halper, Office Director, regarding ''Verification of Tasmanian Electro Metallurgical Company Pty Ltd. in the Antidumping Duty Investigation of Silicomanganese from Australia'' (October 28, 2015); *see also* Memorandum to the File from Magd Zalok and Lilit Astvatsatrian, Enforcement & Compliance, Office IV, and David Richardson, Office of the Chief Counsel for Enforcement & Compliance, through Robert Bolling, Program Manager, Enforcement & Compliance, Office IV, regarding ''Verification of the Sales Questionnaire Responses of Tasmanian Electro Metallurgical Company Pty Ltd: Antidumping Duty Investigation of Silicomanganese from Australia'' (December 3, 2015); *see also* Memorandum to the File from Magd Zalok and Lilit Astvatsatrian, Enforcement & Compliance, Office IV, through Robert Bolling, Program Manager, Enforcement & Compliance, Office IV, regarding ''Verification of the Sales Questionnaire Responses of BHP Billiton Marketing Inc.: Antidumping Duty Investigation of Silicomanganese from Australia,'' (December 10, 2015).

[4] *See* Silicomanganese from Australia: Issues and Decision Memorandum for the Final Determination of Sales at Less Than Fair Value (''Issues and Decision Memorandum'').

Exporter or producer	Weighted-average dumping margin (percent)
Tasmanian Electro Metallurgical Company Pty Ltd	12.03
All-Others	12.03

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. In this investigation, we calculated a weighted-average dumping margin for TEMCO, the only respondent in this investigation, that is above *de minimis* and which is not based on section 776 of the Act. Therefore, the Department assigned a margin to the all-others rate companies based on TEMCO's weighted-average dumping margin.

Disclosure

We will disclose the calculations performed within five days of the date of any public announcement of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (''CBP'') to continue to suspend liquidation of all of entries of silicomanganese from Australia, which were entered, or withdrawn from warehouse, for consumption on or after September 25, 2015, the date of publication of the *Preliminary Determination.* Further, pursuant to CFR 351.210(d), the Department will instruct CBP to require a cash deposit equal to the amount by which normal value exceeds U.S. price as follows: (1) For TEMCO, the mandatory respondent listed above, the cash deposit rate will be equal to the dumping margin which the Department determined in this final determination; (2) if the exporter is not a mandatory respondent identified in this investigation, but the producer is, the cash deposit rate will be the rate established for the producer of the subject merchandise; and (3) the cash deposit rates for all other producers or exporters will be 12.03 percent. The suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (''ITC'') of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on appropriate imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice will serve as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: February 12, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines, and slag. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Low-carbon silicomanganese is excluded from the scope of this investigation. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.30.0000. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Discussion of the Issues
Issues:
Comment 1: Indirect Selling Expenses Incurred in the United States
Comment 2: Constructed Export Price Offset (''CEP Offset'')
Comment 3: CEP Profit Ratio
Comment 4: Double Counting of Packing/Loading Expenses
Comment 5: Valuation of Ferromanganese Slag
Comment 6: Inputs Purchased From Interested Parties
Comment 7: Interest Income
V. Recommendation

[FR Doc. 2016–03627 Filed 2–19–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE454

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) *Tilefish* Monitoring Committee will hold a public meeting.

DATES: The meeting will be held Tuesday, March 29, 2016, from 10 a.m. to 12 p.m.

ADDRESSES: The meeting will be held via WEBINAR with a telephone-only connection option.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's Web site, *www.mafmc.org* also has details on the proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Monitoring Committee to review, and if necessary, revise the current management measures designed to achieve the recommended *Golden Tilefish* catch and landings limits for 2017.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 17, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–03583 Filed 2–19–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE452

Notice of Intent To Prepare an Environmental Impact Statement for Hatchery Programs Along the Oregon Coast

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

ACTION: Notice; reopening of public comment period.

SUMMARY: On January 15, 2016, the National Marine Fisheries Service (NMFS) announced its intent to obtain information necessary to prepare an Environmental Impact Statement (EIS) for Hatchery and Genetic Management Plans (HGMPs) submitted by the Oregon Department of Fish and Wildlife (ODFW) for NMFS's evaluation and determination under Limit 5 of the Endangered Species Act (ESA) 4(d) Rule for threatened salmon and steelhead. NMFS also announced the availability of those HGMPs for public review and comment. The announcement opened a 30-day public comment period. In response to a request received from the public, based on the number of HGMPs available for review, NMFS is reopening the comment period to March 17, 2016.

DATES: Written or electronic scoping comments must be received at the appropriate address or email mailbox (see **ADDRESSES**) no later than 5 p.m. Pacific Time March 17, 2016.

ADDRESSES: Written comments may be sent by any of the following methods:

- Email to the following address: *OregonCoastHatcheryEIS.wcr@noaa.gov* with the following identifier in the subject line: Oregon Coast Hatchery EIS.
- Mail or hand-deliver to NMFS Sustainable Fisheries Division, 2900 NW Stewart Parkway, Roseburg, OR 97471.
- Fax to (541) 957–3386.

Comments received will be available for public inspection, by appointment, during normal business hours at the above address. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

Additional information to assist with consideration of the notice of intent, as well as the HGMPs themselves, are available on the Internet at *www.westcoast.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Lance Kruzic, NMFS, by phone at (541) 957–3381, or email to *lance.kruzic@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Coho salmon (*O. kisutch*): threatened, naturally produced and specified artificially produced stocks in the Southern Oregon/Northern California Coast and Oregon Coast Evolutionarily Significant Units (ESUs).

Background

The ODFW has submitted HGMPs for all hatchery programs along the Oregon Coast to NMFS, pursuant to Limit 5 of the 4(d) Rule for salmon and salmon promulgated under the ESA (65 FR 42422, July 10, 2000). NMFS' action of evaluating ODFW's HGMPs under Limit 5 of the 4(d) Rule is a major Federal action subject to environmental review under NEPA. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives, recommendations for relevant analysis methods, and information associated with impacts of the alternatives to the resources listed below or other relevant resources. Further, Limit 5 of the 4(d) Rule also specifies the HGMPs be made available for public review and comment prior to NMFS making a decision on the HGMPs.

For more information on the scope of the proposed hatchery programs, and NMFS' review of those programs, and a description of input being sought from the public, see the January 15, 2016, **Federal Register** notice (81 FR 2197). A list of the hatchery facilities being considered and links to the HGMPs for their associated hatchery programs are available on the Internet (see **ADDRESSES**).

Request for Comments

NMFS provides this notice to: (1) Advise other agencies and the public of its plans to analyze effects related to the action, and (2) obtain suggestions and information that may be useful to the scope of issues and the full range of alternatives to include in the EIS. Comments should be as specific as possible.

Authority

The environmental review of the Oregon Coast HGMPs will be conducted in accordance with requirements of the NEPA of 1969 as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR parts 1500–1508), other appropriate Federal laws and regulations, and policies and procedures of NMFS for compliance with those regulations. This notice is being furnished in accordance with 40 CFR 1501.7 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS.

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 5 of the updated 4(d) rule (50 CFR 223.203(b)(5)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to activities associated with artificial propagation programs provided that an HGMP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

Dated: February 16, 2016.

Wanda Cain,

Chief of Staff, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–03496 Filed 2–19–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Limits on Application of ESA Take Prohibitions.

OMB Control Number: 0648–0399.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 301.

Average Hours per Response: 20 hours for a road maintenance agreement or for a tribal plan; 5 hours for a diversion screening limit project or for a report of aided, salvaged, or disposed-of salmonids. 30 hours for an urban development package; 10 hours for an urban development report.

Burden Hours: 935.

Needs and Uses: This request is for extension of a currently approved information collection.

Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it ''deems necessary and advisable to provide for the conservation of'' threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits ''take'' of any endangered species (''take'' includes actions that harass, harm, pursue, kill, or capture). The first salmonid species listed by NMFS as threatened were protected by virtually blanket application of the section 9 take prohibitions. There are now 22 separate Distinct Population Segments (DPS) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington and Idaho. NMFS is obligated to enact necessary and advisable protective regulations. NMFS makes section 9 prohibitions generally applicable to many of those threatened DPS, but also seeks to respond to requests from states and others to both provide more guidance on how to protect threatened salmonids and avoid take, and to limit the application of take prohibitions wherever warranted (see 70 FR 37160, June 28, 2005, 71 FR 834, January 5, 2006, and 73 FR 55451, September 25, 2008). The regulations describe programs or circumstances that contribute to the conservation of, or are being conducted in a way that limits impacts on, listed salmonids. Because we have determined that such programs/circumstances adequately protect listed salmonids, the regulations do not apply the ''take'' prohibitions to them. Some of these limits on the take prohibitions entail voluntary submission of a plan to NMFS and/or annual or occasional reports by entities wishing to take advantage of these limits, or continue within them.

The currently approved application and reporting requirements apply to Pacific marine and anadromous fish species, as requirements regarding other species are being addressed in a separate information collection.

Affected Public: State, local and tribal governments; business or other for-profit organizations.

Frequency: Annually or on occasion.

Respondent's Obligation: Mandatory.

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 17, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–03574 Filed 2–19–16; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2014–0025]

Policy on No-Action Letters; Information Collection

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final Policy Statement.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing a final policy statement on No-Action Letters (Policy), which is intended to further objectives under section 1021 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).

DATES: The Bureau released this Policy Statement on its Web site on February 18, 2016.

FOR FURTHER INFORMATION CONTACT: Dan Quan, Senior Advisor to the Director, Consumer Financial Protection Bureau, at (202) 435–7678.

SUPPLEMENTARY INFORMATION:

I. Overview

In specifying the purposes, objectives, and functions of the Bureau in section 1021 of the Dodd-Frank Act, Congress authorized the Bureau to exercise its authorities for the purpose of ensuring that markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.[1] Pursuant to its authority, the Bureau is finalizing the Policy that is set forth in section VI below. Under the Policy, Bureau staff would, in its discretion, issue no-action letters (NALs) to specific applicants in instances involving innovative financial products or services that promise substantial consumer benefit where there is substantial uncertainty whether or how specific provisions of statutes implemented or regulations issued by the Bureau would be applied (for example if, because of intervening technological developments, the application of statutes and regulations to a new product is novel and complicated). The Policy is also designed to enhance compliance with applicable federal consumer financial laws. A NAL would advise the recipient that, subject to its stated limitations, the staff has no present intention to recommend initiation of an enforcement or supervisory action against the requester with respect to a specified matter. NALs would be subject to modification or revocation at any time at the discretion of the staff, and may be conditioned on particular undertakings by the applicant with respect to product or service usage and data-sharing with the Bureau. Issued NALs generally would be publicly disclosed. NALs would be non-binding on the Bureau, and would not bind courts or other actors who might challenge a NAL-

[1] Section 1022(b)(1) of the Dodd-Frank Act authorizes the Director to prescribe rules and issue orders and guidance, as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof. 12 U.S.C. 5512(b)(1).

recipient's product or service, such as other regulators or parties in litigation. The Bureau believes that there may be significant opportunities to facilitate innovation and access, and otherwise substantially enhance consumer benefits, through the Policy.

II. Overview of Public Comments

On October 16, 2014, the Bureau published in the **Federal Register** a notice inviting the general public and other Federal agencies to comment on any aspect of its proposed Policy on No-Action Letters (Proposed Policy).[2] The Bureau received 28 formal comments on the Proposed Policy. Industry trade associations and other industry-oriented groups submitted 16 comment letters. Financial services providers submitted 3 comment letters. There were 3 comment letters from consumer-oriented groups. Individuals submitted a further 6 comments.

Virtually all commenters supported the stated goals of the Proposed Policy, to reduce regulatory uncertainty and facilitate innovation. No commenter disputed the Bureau's legal authority to adopt the Proposed Policy. Most comments asked for clarification or further detailing around specific parts of the Proposed Policy. Some urged changes to the Proposed Policy, for example, to make NALs more available to providers of consumer financial products and services with less burden or fewer restrictions or, in the case of some consumer-oriented commenters, to provide for additional consumer protections. Many commenters also urged the Bureau to make modifications to address concerns about the disclosure of proprietary business information and trade secrets. One industry trade association urged the Bureau to abandon the Proposed Policy because the organization considered that, as proposed, it would not facilitate and improve compliance in a meaningful way.

III. Summary of Comments, Bureau Response, and Resulting Policy Changes

This section provides a summary of the principal comments received by subject matter. It also summarizes the Bureau's assessment of the comments by subject matter and, where applicable, describes the resulting changes that the Bureau is making in the final Policy. The Bureau has made some changes in response to comments received and to provide additional clarity, but in substantial part follows the Proposal.

[2] 79 FR 62118 (Oct. 16, 2014).

While addressing discrete issues, commenters also expressed more general concerns that the criteria in the Proposed Policy were unworkable or that entities were unlikely to receive NALs. The Bureau believes the Policy will facilitate innovation and otherwise substantially enhance consumer benefits. However, the Bureau plans to monitor the effectiveness of the Policy and to assess periodically whether changes to the Policy would better effectuate these purposes.

A. Types of Guidance

Several industry trade groups urged the Bureau to adopt a policy for providing definitive regulatory interpretations to industry participants, such as in the form of Bureau interpretive rules and letters and advisory opinions, in addition to adopting a policy for issuing NALs. These commenters generally argued that guidance of this character would be useful to provide needed clarity regarding matters of potential regulatory uncertainty, and to facilitate compliance, and could address broader topics than may be presented in the context of a particular NAL. Some of these commenters anticipated that industry members would seek Bureau interpretive letters in circumstances in which applying for a NAL would be especially burdensome, or in circumstances that did not involve a product that would meet the parameters of the proposed NAL policy (such as a product already well-established in the marketplace). Various commenters stated that it is important for industry that the Bureau issue types of guidance that are legally binding, on the Bureau as well as (subject to judicial review) on other regulators and on consumer challengers, in addition to NALs, which provide only non-binding staff guidance.

The Bureau is committed to devoting substantial efforts to improving regulatory clarity and transparency to consumers, industry, and other stakeholders. The Bureau provides extensive interpretive guidance regarding regulations it has issued to govern the provision of consumer financial products and services, in a variety of ways. Many of the Bureau's regulations are accompanied by official Bureau interpretations, specifically keyed to the regulations by section number and published in the Code of Federal Regulations, that provide detail regarding interpretation and application of the regulations. Prior to promulgation of rules, Bureau staff has undertaken broad industry outreach to identify areas of potential uncertainty and to ascertain key matters of concern to industry regarding implementation and compliance. In many cases, such official interpretations are promulgated through notice and comment, simultaneously with issuance of the regulations. The Bureau actively monitors these official interpretations, and it has issued revisions of these official interpretations, in light of industry needs and other developments, on multiple occasions. In other instances, apart from official Bureau interpretations published in the Code of Federal Regulations, the Bureau has issued official interpretations or regulatory guidance on a stand-alone basis.

The Bureau has taken a number of steps to support industry implementation of its regulations and provide guidance to help financial institutions and other stakeholders understand, operationalize, and comply with new consumer protections. The Bureau has engaged directly and intensively with financial institutions, vendors, and others through a regulatory implementation project. As part of this effort, the Bureau has published plain-language guides and other resources, such as compliance guides, sample forms, fact sheets, rule summaries, charts, and toolkits. The Bureau has also published readiness guides that include check-lists of things for industry to do prior to a rule's effective date, such as updating policies and procedures and providing training for staff. In addition, the Bureau has conducted free webinars, available for public viewing through the Bureau's Web site, that provide guidance on how to interpret and apply its rules. These resources are available on the Bureau's Web site at *www.consumerfinance.gov/regulatory-implementation*.

The Bureau also provides unofficial oral staff guidance in response to regulatory interpretive questions that financial institutions and others subject to the Bureau's regulations can submit on an ongoing basis through a dedicated email address. The Bureau has provided unofficial oral guidance in response to thousands of such requests. In addition, Bureau regulatory staff has undertaken extensive post-issuance outreach to identify problem areas and provide further oral and written guidance about its regulations, on a timely basis.[3]

[3] For example, the Bureau has provided substantial guidance relating to implementation of the Know Before You Owe/TILA–RESPA Integrated Disclosure rule, including a compliance guide, a guide to forms, a closing factsheet, a disclosure timeline, integrated loan disclosure forms and samples, and webinars. Many of these materials are

Continued

Bureau staff regularly meets with industry representatives and other stakeholders regarding all areas within its regulatory jurisdiction to identify areas of regulatory uncertainty or compliance challenges, and to formulate an appropriate response when necessary. For example, the Bureau has published additional official commentary in response to feedback from stakeholders, including industry. Bureau staff has also provided remarks and addressed questions about Bureau rules and related implementation matters at numerous formal events and informal stakeholder meetings.

Moreover, the Bureau has published an array of bulletins to further clarify regulatory obligations and enhance compliance where industry has advised the Bureau of interpretive or other concerns or the Bureau's market awareness has led it to believe there are uncertainties requiring attention.

A substantial portion of the Bureau's personnel and other resources are devoted to these efforts. The Bureau intends to continue engaging closely and working with industry and other stakeholders to answer questions, provide regulatory support and guidance, and evaluate any issues industry and consumers experience as rules are issued and implemented. The Bureau also will continue its coordination with other federal government regulators to promote a consistent regulatory experience for industry. The Bureau is aware that many regulated entities have access to resources, counsel, advice, and processes of their own beyond the tools provided by the Bureau that they may use to assist in the interpretation of regulatory requirements and achieve regulatory compliance. The Bureau does not have the capacity to replace these private resources and tools, and does not believe that it would be desirable as a policy matter for the Bureau to try to do so. The Bureau will continue to engage in broad efforts to obtain industry feedback and attempt to employ its resources to provide broad industry and consumer support and guidance through the most efficient and appropriate means. The Bureau believes that experience with the NAL process will assist the Bureau in evaluating other potential steps.

The Policy being finalized today is intended to be one additional tool in the Bureau's kit to facilitate compliance and innovation, to supplement the foregoing means in instances where no-action treatment appears to offer advantages. Most of the Bureau's guidance resources will continue to be devoted to efforts other than NALs, as discussed above. The NAL Policy is intended to make efficient use of Bureau resources by focusing on matters of significant uncertainty, *e.g.,* where technological developments have given rise to novel products not envisioned at the time existing statutes and regulations were issued, and substantial regulatory uncertainty poses a barrier to marketplace innovation. The Policy calls on applicants to identify the relevant facts, and specific regulatory issues needing attention, because applicants are well-positioned to do so effectively and insightfully. As contrasted with amendment of a regulation or an official interpretation, no-action treatment may often be a more useful tool for such cases because, among other things, the novel aspects of the product in question may be subject to evolution, the policy and legal implications are likely not yet sufficiently well understood to justify a definitive regulatory treatment of the relevant issues, and the time required to mature such a definitive treatment may be inconsistent with product-innovation needs of industry.

B. Matters Concerning Other Regulators

Two commenters requested clarification about coordination between Bureau staff and federal prudential regulators, stating that a NAL may be of little benefit to an institution whose prudential regulator considers a proposed product to violate applicable requirements. Other commenters urged the Bureau to make NALs binding on other regulators, to shield a NAL-covered product from the prospect of adverse treatment by another regulator.

The Bureau has not modified the Policy in response to these comments. Bureau staff regularly consults with other governmental agencies, Federal and State, with respect to financial industry matters, including product innovations. Applicants should be aware that Bureau staff may consult with other governmental agencies that may have enforcement, supervisory or licensing authority over the applicant, or other interest in matters relating to a NAL, in appropriate cases. The NAL Policy requires that NAL applicants provide information regarding relevant governmental investigations, licensing discipline, supervisory reviews, and enforcement actions, and this information may be a subject of discussions by Bureau staff with other governmental agencies. If an applicant is a depository institution, it should anticipate that Bureau staff may communicate with the applicant's primary federal prudential regulator and appropriate state regulators in evaluating issuance of a NAL.

While the Bureau may, in some circumstances, have the authority to issue waivers of otherwise-applicable legal requirements, or to establish definitive interpretations of legal requirements, or take similar actions, NALs issued under today's Policy are limited to a statement by Bureau staff that it does not intend to recommend enforcement or supervisory action by the Bureau. As such, they are not intended to bind other agencies. Other agencies will remain free to make independent determinations concerning their respective authorities and concerns. As discussed above, the Bureau will continue to evaluate its existing guidance tools and other guidance tools available to it, and nothing in today's Policy rules out or otherwise addresses other actions that the Bureau may take, for example to issue waivers, identify exceptions, provide interpretations, or undertake other regulatory relief, in appropriate circumstances.

C. NALs Concerning UDAAPs

The Proposed Policy indicated that Bureau staff would presumptively not issue NALs where the request concerns a legal or product environment that the staff considers to be inappropriate for no-action treatment, and provided the example that, at the present time, the staff does not anticipate no-action treatment of unfair, deceptive, or abusive acts or practices (UDAAP) matters. The Bureau received two types of comments regarding this statement about UDAAP matters in the Proposed Policy. First, two industry commenters made the point that a NAL would have little utility if it did not include some assurance that the Bureau would not pursue a UDAAP claim against the requester for offering the same product addressed in the letter. Second, several industry commenters more generally urged that UDAAP matters should not be categorically ruled out, and that UDAAPs may be particularly important areas of NAL treatment.

The statement in the Proposed Policy was not directed at the ''follow on'' UDAAP concern raised by the first type of comment. As detailed in Section C of the Policy, in deciding whether to provide a NAL, staff considerations will include, among other things:

- ''The extent to which the requester's product structure, terms and conditions, and disclosures to and agreements with consumers enable

made available on the Internet at *http://www.consumerfinance.gov/regulatory-implementation/tila-respa.*

consumers to meaningfully understand and appreciate the terms, characteristics, costs, benefits, and risks associated with the product, and to act effectively to protect themselves from unnecessary cost and risk'';

• ''The extent to which evidence, including the requester's own testing, indicates that the product's aspects in question may provide substantial benefits to consumers''; and

• ''The extent to which the requester controls for and effectively addresses and mitigates risks to consumers.''

Given that a NAL will be based, in part, on such factors, it is highly unlikely that staff would first provide a NAL—which would include a statement that staff has no present intention to recommend initiation of an enforcement or supervisory action against the requester in respect to the particular aspects of its product under the specific identified provisions and applications of statutes or regulations that are the subject of the NAL—and then recommend initiation of such action in respect to those same particular aspects of its product under the Bureau's UDAAP authority in the absence of new facts or circumstances. For example, if staff provided a NAL in response to a request stating that there was substantial uncertainty regarding whether particular disclosures comply with TILA and Regulation Z, the requester could expect that staff would not then recommend an enforcement or supervisory action on the basis that those same disclosures were deceptive under Dodd-Frank Act section 1031—except in the absence of new or extraordinary circumstances. At the same time, a grant of NAL treatment respecting a particular aspect of a product should not be understood to excuse potential UDAAP violations that might arise from other aspects of the product, such as marketing or operation that were not addressed in the NAL letter or stem from subsequent changes in the product.

The Bureau also recognizes the perspective behind the second type of comment. The Bureau's statement about UDAAP matters in the Proposed Policy was based primarily on two considerations. First, evaluation of whether an act or practice constitutes a UDAAP is typically an intensively factual question that requires detailed consideration of a wide range of potentially relevant circumstances. Such evaluations can be more complicated, and uncertain, than evaluation of an act or practice with respect to a regulatory or statutory provision that is drawn more narrowly and precisely than the statutory UDAAP prohibitions. This complexity may be especially pertinent in the context of requests for NAL treatment under the Policy, which are limited to instances in which there is *substantial uncertainty* regarding whether the particular aspects of the product identified in the request are unfair, deceptive, or abusive. Second, as noted in the Proposed Policy, the Bureau has quite limited resources to devote to consideration and issuance of NALs at this time. The Bureau is concerned that devoting attention to UDAAP-focused NAL requests could misallocate its resources away from more narrowly-focused cases that are more likely to be workable NAL candidates. However, the Bureau need not make a categorical determination at this time.

Accordingly, the example in Section B of the Proposed Policy regarding UDAAP matters has been deleted from the Policy. The Bureau cautions, however, that this change should not be interpreted as portending the issuance of a significant volume of such UDAAP-focused NALs. As noted in the Proposed Policy and elsewhere in this Final Policy Statement, the Bureau anticipates that NALs will be provided rarely because they require a thorough and persuasive demonstration of the appropriateness of NAL treatment. The considerations referred to above are likely to mean that UDAAP-focused NALs will be particularly uncommon.

D. Timetable for Issuance of a NAL

Several industry commenters suggested that the Bureau adopt a specific timetable for approval or denial of a NAL once an application has been submitted. These commenters generally expressed a view that prescriptive timetables on the order of 45, 60, or 90 days are necessary in order to accommodate the rapid development processes of novel products. At the same time, a number of industry commenters, including some of those urging prescribed timetables for action on applications, expressed the view that it is important that prospective applicants have an opportunity to confer informally with Bureau staff before making an application, in order to align expectations and to allow for development and adjustments before making any formal application.

Although Bureau staff will make reasonable efforts to respond to applications in a timely manner, the Bureau has not included any strict timetable in the Policy. If the NAL process does not reach a conclusion that is in keeping with an innovator's timing or other needs, an innovator may withdraw its application and proceed as it considers appropriate with respect to its product without a NAL. Because NAL applications are expected to be individualized events on the part of the applicant and Bureau staff involving novel products, because product changes may continue during the NAL process, and because the Bureau does not yet have concrete experience in processing NAL applications, the Bureau is not prepared to prescribe a prescriptive timetable by which an application must be resolved. As noted in footnote 7 of the Policy, innovators are encouraged to contact staff for informal preliminary discussion in advance of filing an application for a NAL. Such discussions are expected to address the potential applicant's product development plans, information-sharing, any anticipated complications in the NAL process, and anticipated timetables in light of such considerations.

E. Information To Be Included in Applications

Several industry representatives criticized the Proposed Policy as requiring applicants to provide an unduly burdensome volume of information. Some commenters suggested that information requirements be minimized specifically for smaller organizations that may have relatively fewer resources to devote to the NAL process. A number of commenters requested changes in the Proposed Policy's requirements that applicants identify the particular provisions of statutes or regulations about which NAL treatment is being requested, state why NAL treatment is necessary and appropriate to remove substantial regulatory uncertainty, and provide a candid explanation of potential consumer risks. In addition to asserting that it would be burdensome to provide such information, commenters expressed concern that providing information along these lines could have the effect of requiring applicants to target their products for third-party challenge if a NAL application is made public.

The Bureau has not changed these information requirements in the Policy in response to these comments. Whenever any conscientious firm, large or small, intends to launch a consumer financial product that raises substantial regulatory questions, the Bureau expects that the firm would on its own, as a matter of its compliance obligations wholly apart from a NAL application, undertake carefully to identify and evaluate the consumer risks, regulatory issues, and other matters the Policy requires a NAL application to address.

In this respect, the Bureau does not expect the Policy to involve substantial additional information-gathering burdens. While the Bureau understands that some innovators find it burdensome to undertake their own assessment of applicable regulatory and other legal obligations, consumer impacts that their products might create, and other relevant matters, the Bureau is not in a position, through its NAL policy, to perform these compliance obligations for industry members.

The Bureau's intention is to devote its NAL resources at this time to addressing instances in which substantial uncertainty in the statutes and regulations that are within its jurisdiction are creating a barrier to bringing consumer-beneficial products to market. If an applicant cannot identify its product as presenting such a case, or if the applicant does not intend to be candid in its request and related communications, the Bureau's resources can more usefully be focused elsewhere. To be clear, firms are not required to seek NAL treatment before launching a product. Moreover, in identifying areas of regulatory uncertainty an applicant is not required to concede that its product contravenes any requirement. On the contrary, the Policy explicitly calls on the applicant to explain why it believes its product should not be treated as subject to or precluded by pertinent statutes and regulations as properly understood and applied. If a prospective applicant believes that information regarding its product requires confidential protection, informal advance discussion with the staff can explore what particular information and detail is necessary to be included in an application, the timing of NAL issuance, and how best to protect proprietary matter. In addition, section A.15 of the Policy provides that an application may include a request for confidential treatment of certain information. If a NAL is issued, it may be unavoidable that its publication will, to some extent, publicly identify aspects of regulatory uncertainty that are involved, but the Bureau believes that such transparency to industry and consumers is a critical value to be served by the NAL process.

F. Public Comment on NALs

Some commenters in the consumer advocacy community requested that the Bureau modify the Proposed Policy to provide that any NAL will be subject to a 30-day notice-and-comment period, preferably in advance of NAL issuance. These commenters asserted that such a process is advisable to balance an applicant's self-interested submissions by bringing to bear other viewpoints through a public process.

The Bureau declines to adopt the comment period suggestion. Comment periods are not typical of other agencies' no-action letter procedures. The Bureau believes that imposing such a comment period requirement in advance of issuance would unnecessarily discourage NAL applications and delay the NAL process, inhibiting the intended benefits of the Policy. Staff has the ability to conduct outreach to the public as needed to obtain input on a variety of regulatory matters, which includes issues pertaining to NAL requests. Staff also intends to monitor products that are the subject of NALs on an ongoing basis, including comments that may be received from the public following issuance of a NAL. This monitoring will not be confined to a 30-day or other prescribed period.

G. Protection of Proprietary Information

Several commenters expressed concern that publication of NALs, which would include publication of a version or summary of the application, may compromise entities' proprietary business information or trade secrets. Some commenters raised a concern that, if the Bureau were to deny a NAL application for innocuous reasons and announce the denial, it might cause injury to the applicant if it later introduced the subject product into the marketplace. Other commenters, including industry commenters, specifically encouraged routine publication so that industry members will have insight into the Bureau staff's perspectives.

The Bureau considers that publication of NALs issued by staff is an important aspect of the Bureau's transparency principles. The released version or summary of the application and the terms of the NAL will provide relevant and potentially important information to consumers and industry concerning the new product and Bureau staff's perspective. In general, the consumer-facing characteristics of the product involved will become known to the market at the time of product launch in any event. The Policy does not specify the timing for the Bureau's NAL publication. To the extent that a potential applicant has concerns regarding the public release of particular information, Bureau staff plans to confer with the applicant, in advance of a submission or later, to discuss whether the information is necessary to submit as part of the application or otherwise, redaction from any documents to be released publicly, timing of any release, application of the Bureau's rule concerning Disclosure of Records and Information, 12 CFR part 1070, and other relevant matters.

Denials of a request for a NAL generally would not be published. However, because a circumstance may arise in which publication of a denial would be in the public interest, the Policy does not categorically rule out publication of denials.

The finalized Policy makes one editing change with respect to publication of NALs and applications, to conform section D of the Policy to the wording of section B of the Policy with respect to publication of a ''a version or summary of'' the request.

H. Modification or Revocation of NALs

Under the Policy, a NAL is subject to subsequent revocation or modification in the discretion of Bureau staff, and may be immediate upon notice. Revocation or modification of a NAL does not itself constitute a determination that a product violates any regulatory requirement or that the firm must withdraw the product from the market. Obviously, however, modification or revocation reflects a change in facts, circumstances, or outlook on the part of Bureau staff. Some industry and consumer commenters urged the Bureau to adopt procedural protections around the revocation/modification process, including suggesting that the Bureau communicate with recipients prior to revocation or modification, and that it provide a grace period to allow recipients to modify or cease relevant policies or practices.

In response, the Bureau has added a statement to section D.6 of the Policy concerning revocations or modifications initiated by staff. Unless there is a reason not to do so in a particular case, before determining to revoke or modify a NAL, Bureau staff plans to communicate with the requesting entity (or entities) regarding the grounds for potential revocation or modification and permit an opportunity to respond. If staff revokes or modifies a NAL, it intends to do so in writing. Staff plans to make revocations and modifications public.

I. Limitation to Emerging Products Involving Substantial Regulatory Uncertainty

Several commenters suggested that the Bureau not limit NALs to instances of emerging products, or that it not limit NALs to instances of substantial regulatory uncertainty. These commenters advocated that the Bureau provide NALs dealing with products that are already established and/or

where there is no substantial regulatory uncertainty. The Bureau does not believe such a change to the Policy is desirable at this time. The Bureau's resources available to devote to NALs are limited, and the Bureau considers it desirable to focus these resources at this time on reducing barriers to innovation. If a product is already established in the marketplace, or if there are no substantial regulatory uncertainties interfering with its development, then Bureau resources for reducing barriers to innovation would be better allocated to other NAL cases, or to other efforts.

J. Potential Risks and Benefits to Consumers

Some consumer advocates urged the Bureau to revise the Proposed Policy to specifically limit NALs to products where staff is convinced that the product will clearly not involve any risk to consumers. Reflecting a different perspective, a number of industry commenters urged that the Bureau eliminate the requirement that a proposed NAL product promise substantial benefits to consumers. Some of these commenters considered that application of the ''substantial benefits'' standard would involve the Bureau in inappropriately choosing winners and losers, and some expressed the view that assessment of substantial benefits was unknowable for new products or unduly subjective.

The finalized Policy has not incorporated the changes advocated by either of these two perspectives. The Bureau believes that its Policy has appropriately articulated requirements with respect to both risks and benefits. The Policy specifically requires an applicant to candidly disclose potential consumer risk information, and establishes that NAL applications would be assessed on the basis of such risks and how they may be effectively addressed and mitigated. In addition, issuance of a NAL may be conditioned on the provision of future data to enable Bureau staff to monitor ongoing risk and respond as necessary. A firm is not required to obtain a NAL in order to launch a product. But issuance of NALs is committed to the discretion of Bureau staff, and the Policy appropriately requires an applicant to identify anticipated consumer benefits so that Bureau staff can evaluate whether the request merits the diversion of the Bureau's limited resources away from other important consumer protection work.

K. Denials of NAL Requests and Publication of Denials

Under the Policy, decisions whether to issue a NAL are committed to the discretion of Bureau staff. Section B of the Policy describes the categories of formal responses that the staff expects normally to use in response to a request (granting, denying, or declining to grant or deny, the request). Section C of the Policy identifies 10 factors that, among others, staff plans to consider in deciding whether to issue a NAL. Several commenters suggested that the Proposed Policy be amended to prescribe that staff elaborate specific reasons when it determines that a particular application for a NAL will not be granted. The principal point advanced in favor of requiring such a statement of reasons is that it would provide substantive guidance to industry regarding Bureau analysis of regulatory issues. Some other commenters suggested that all denials be made public. Relatedly, some commenters interpreted section B of the Proposed Policy to mean that, in some cases, the Bureau would not communicate in any way with the requesting entity.

The Bureau does not agree that it would be advisable to require staff to provide specific reasons for declining to provide NALs, or that denials generally should be made public. Publishing such statements regarding denials is not typical of no-action letter programs of other agencies, and the Bureau does not believe that providing such statements about denials would be a productive method of industry or public guidance, when weighed against the burden on Bureau resources that would be involved. The Bureau has limited resources to devote to NALs, and it believes that those resources are best focused on the work required to grant NALs when appropriate and to monitor those that are granted. As noted elsewhere, individual applicants are advised to contact staff in advance for informal discussion before committing significant effort toward a potential NAL application. In the unusual case in which none of the types of responses described in Part B of the Policy is provided, the staff plans to notify the requester that its response has been received and that staff has decided not to provide a response that corresponds to one of the types described in Part B of the Policy.

L. Anticipated Volume of NALs

As stated in the Proposed Policy, the Bureau anticipates that NALs would be provided only on the basis of exceptional circumstances and a thorough and persuasive demonstration of the appropriateness of such treatment. Several commenters expressed dissatisfaction that NALs are likely to be rarely issued, and urged that the Bureau should make NALs more widely available, recognizing that they may later be withdrawn if necessary.

Bureau staff currently devotes considerable effort to maintaining ongoing communication with financial services product developers and other industry members, including concrete informal discussions about forthcoming innovations and regulatory considerations. Based on this experience, the Bureau estimates that, realistically, it will on average receive one to three actionable applications per year. If the volume of viable applications exceeds this volume, the Bureau will work to accommodate the need. The Policy anticipates that staff would provide no-action treatment only on a thorough-and-persuasive demonstration that the relevant criteria, as specified in the Policy, are met. That NALs may be withdrawn at a later stage is not, in the Bureau's view, a justification to provide no-action treatment based on unrefined product concepts, inadequate information, or incomplete attention by an applicant to regulatory requirements or mitigation of consumer protection risks.

M. Covering Third Parties

Some commenters urged the Bureau to address no-action protection of third parties that may be associated with an applicant's product, such as firms that provide functions that are integrated with the product's operation or distribution, or provide ancillary products or services. A product developer seeking NAL treatment may not intend itself to be the provider of that product to consumers, or may depend on other firms as service providers or in other ways. These other firms may be reluctant to participate in the commercialization of the product if they lack NAL protection, but for a variety of legitimate commercial reasons they may not be identifiable at the time of the NAL application or issuance. Some commenters also urged the Bureau to allow trade associations to submit requests on behalf of their members.

The Bureau is sympathetic to the complications described. The Policy envisions that a NAL application may be submitted jointly by multiple firms, which may ease some of these complications. The Bureau is not, however, willing to grant NAL treatment to a firm that is not identified in the

application process and has not agreed to the affirmations and undertakings specified by the Policy (such as affirmations regarding the accuracy of information presented about the product and the firm, undertakings to provide additional information, and descriptions of safeguards the applicant will employ). The Bureau envisions that, in many cases, a firm that comes to be involved in the provision of a product, though not itself the applicant covered by a NAL, will draw sufficient comfort from a NAL issued to the identified applicant. Where this is not so, Bureau staff will be available to confer with the applicant, and the other firm(s), regarding the reasons why the other firm(s) were not co-applicants, whether an issued NAL may be modified, and other possible approaches to the situation. For similar reasons, the Bureau is not willing to grant NAL treatment to trade associations on behalf of their members.

N. Limitations on Quantity of Transactions or Period of Time

Some commenters sought clarification regarding the Proposed Policy's anticipation that a NAL may be subject to time limitations or limitations on the quantity of transactions. The Policy, which is slightly revised on this point for clarity, provides that a NAL issued by Bureau staff will generally include a description of any conditions or limitations attending no-action treatment, such as the requester's undertaking to provide additional safeguards to consumers, or to share certain types of data with the Bureau, as well as any limitations as to time period or quantity of transactions. These NAL terms will be informed by commitments identified in the application and by staff's evaluation of consumer risks. The Bureau expects such considerations to be taken into account on a case-by-case basis. If a NAL application is based on uncertainty regarding a particular regulatory safeguard, for example, the applicant may find it appropriate to introduce a different method to safeguard comparable consumer protection concerns. If an applicant intends to test its product in a particular way, and review consumer data arising from the test, the applicant may suggest limiting the NAL to those terms as a factor in demonstrating limitations on consumer risks. If an applicant envisions the iterative development of a product, different limitations or safeguards may apply at successive stages of the development.

IV. Regulatory Requirements

This Policy on No-Action Letters constitutes an agency general statement of policy and/or a rule of agency organization, procedure, or practice exempt from the notice and comment rulemaking requirements under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(b). Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[4]

V. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies are generally required to seek the Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. Further, the Bureau may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and it displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number. OMB has approved the collections of information contained this Policy. The OMB Number is 3170–0059 (Expiration Date: 02/28/2019).

VI. Final Policy

The text of the final Policy is as follows:

POLICY ON NO-ACTION LETTERS

Under Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Bureau's objectives include ''facilitating [consumer] access'' to and ''innovation'' in markets for consumer financial products.[5] The Bureau recognizes that, in certain circumstances, some may perceive that the current regulatory framework may hinder the development of innovative financial products that promise substantial consumer benefit because, for example, existing laws and rules did not contemplate specific products. In such circumstances, it may be substantially uncertain whether or how specific provisions of certain statutes and regulations should be applied to such a product—and thus whether the federal agency tasked with administering those portions of a statute or regulation may bring an enforcement or supervisory action against the developer of the product for failure to comply with those laws. Such regulatory uncertainty may discourage innovators from entering a market, or make it difficult for them to develop suitable products or attract sufficient investment or other support.

Federal agencies can reduce such regulatory uncertainty in a variety of ways. For example, an agency may clarify the application of its statutes and regulations to the type of product in question—by rulemaking or by the issuance of less formal guidance. Alternatively, an agency may provide some form of notification that it does not intend to recommend initiation of an enforcement or supervisory action against an entity based on the application of specific identified provisions of statutes or regulations to its offering of a particular product. This Policy is concerned with the latter means of reducing regulatory uncertainty in limited circumstances.

Pursuant to its authorities under the Dodd-Frank Act, the Bureau is today releasing its Policy on No-Action Letters (Policy). Under the Policy, an entity may submit a request for a No-Action Letter from Bureau staff (staff). A No-Action Letter would include a statement that the staff has no present intention to recommend initiation of an enforcement or supervisory action against the requester with respect to particular aspects of its product, under specific identified provisions of statutes or regulations. Such a letter may be limited as to time, volume of transactions, or otherwise, and may be subject to potential renewal. Whether and how to provide a No-Action Letter or otherwise respond to such requests, including any limitations or conditions on acceptance, will be within the sole discretion of the staff.

The Policy is intended to facilitate consumer access to innovative financial products that promise substantial benefit to consumers, taking into account other marketplace offerings, and also to enhance compliance with applicable federal consumer financial laws.[6] By furnishing a dedicated mechanism through which substantial regulatory uncertainty can be reduced, the Policy is also intended to discourage

[4] 5 U.S.C. 603(a), 604(a).

[5] 12 U.S.C. 5511(b)(5). As used in this Policy, the term ''product(s)'' means ''product(s) and services'' or ''products or service(s),'' as appropriate.

[6] The Policy and any No-Action Letter is not intended to, nor should it be construed to: (1) Restrict or limit in any way the Bureau's discretion in exercising its authorities, including the provision of no-action or similar relief other than pursuant to the Policy; (2) constitute an interpretation of law; or (3) create or confer upon any covered person (including one who is the subject of the Bureau supervisory, investigation, or enforcement activity) or consumer, any substantive or procedural rights or defenses that are enforceable in any manner.

the offering of innovative consumer-*harmful* financial products in such circumstances. In addition, because No-Action Letters often will be conditioned on specified consumer protection conditions designed to satisfy—or even exceed—applicable disclosure requirements and substantive protections, the Bureau expects the Policy to benefit consumers in further ways. The Bureau also expects the Policy to help further its consumer protection functions and objectives, including market monitoring and rulemaking, particularly when a No-Action Letter is conditioned on a commitment by the requester to share data about the product with the Bureau, or to engage in other consultation that may help inform Bureau decisions regarding whether to take further action in connection with the financial product in question.

The Policy has five sections:

- Section A describes information that should be included in requests for a No-Action Letter.
- Section B describes types of responses the staff may provide to requests for a No-Action Letter.
- Section C lists factors the staff may consider in deciding whether to provide a No-Action Letter.
- Section D describes the general content and limitations of No-Action Letters.
- Section E describes disclosure of data received from entities who have requested No-Action Letters.

A. Submitting Requests for No-Action Letters

Requests for a No-Action Letter should be submitted in writing via email to *ProjectCatalyst@cfpb.gov*.[7] Submitted requests may be withdrawn by the requester at any time.

Requests should include the following:

1. The name(s) of the entity or entities and individual(s) requesting the No-Action Letter.

2. A description of the consumer financial product involved, including:

a. how the product functions, and the terms on which the product will be offered;

b. the roles and relationships of all parties to transactions involving the product; and

c. the manner in which it is offered to and used by consumers, including any consumer disclosures.

3. The timetable on which the product is expected to be offered. No-Action Letters are not intended for either well-established products or purely hypothetical products that are not close to being able to be offered.

4. An explanation of how the product is likely to provide substantial benefit to consumers differently from the present marketplace, and suggested metrics for evaluating whether such benefits are realized.

5. A candid explanation of potential consumer risks posed by the product—particularly as compared to other products available in the marketplace—and undertakings by the requester to address and minimize such risks.

6. A showing of why the requested No-Action Letter is necessary and appropriate to remove substantial regulatory uncertainty hindering the development of the product, including:

a. Identification of each of the specific provisions of the statutes and regulations regarding which a No-Action Letter is being requested, and a showing how each of these specific provisions of the statute(s) and regulation(s) should be applied to the product is substantially uncertain, including analysis of the relevant legal authorities and policy considerations.

b. A showing of why the product's aspects in question should not be treated as subject to or precluded by the specific identified statute(s) and regulation(s), and/or how the proposed compliance of the product's aspects in question with the specific identified statute(s) and regulation(s) is appropriate.

c. A showing of the product's compliance with other relevant federal and state regulatory requirements.

d. A showing of why the substantial regulatory uncertainty that is the subject of the request cannot be effectively addressed through means other than the requested No-Action Letter, such as modification of the product.

7. An affirmation that the facts and representations in the request are true and accurate.

8. A commitment by the requester to provide information requested by the staff in its evaluation of the request.

9. A description of data that the requester possesses, and data it intends to develop, pertaining to the factual bases cited in support of the request and a statement of any undertaking by the requester, if the request is granted, to share appropriate data regarding the product with the Bureau, including data regarding the impact of the product on consumers. This description should also address the requester's intentions regarding consultation with the Bureau in its plans for development of additional data.

10. Commitments that, if the request is granted, the requester will not represent that the Bureau or its staff has: (i) Licensed, authorized or endorsed the product, or its permissibility or appropriateness, in any way; (ii) determined, or provided an interpretation, that the product is or is not in compliance with legal or other requirements, or has been granted an exception, waiver, safe harbor, or comparable treatment; or (iii) granted No-Action Letter treatment with respect to any aspect of the requester's offerings or any provision of law other than those expressly addressed in the No-Action Letter.

11. An affirmation that, to the requester's knowledge (except as specifically disclosed in the request), neither the requester nor any other party with substantial ties to transactions involving the product is the subject of an ongoing, imminent, or threatened governmental investigation, supervisory review, enforcement action, or private civil action respecting the product, or any related or similar product; and an undertaking promptly to notify the Bureau (unless the request for a No-Action Letter has been withdrawn or denied) of any such governmental investigation, supervisory review, enforcement action, or private civil action that is initiated or threatened.

12. An affirmation that (except as specifically disclosed in the request) the principals of the requester have not been subject to license discipline, adverse supervisory action, or enforcement action with respect to any financial product, license, or transaction within the past ten years.

13. A statement specifying whether the request is limited to a particular time period, to a particular volume of transactions, or to other limitations.

14. A description of any particular consumer safeguards the requester will employ, although they may not be required by law, if a No-Action Letter is issued, including any mitigation of potential for or consequences of consumer injury. The description should specify the requester's basis for asserting and considering that such safeguards are effective. The description should also address any future study the requester will undertake to further evaluate the effectiveness of such safeguards.

15. If a request for confidential treatment is made, this request and the basis therefor should be included in a

[7] The email subject line should begin ''Request for No-Action Letter.'' The Policy is one component of the Bureau's Project Catalyst initiative, which invites organizations to bring innovation-related concerns to the Bureau's attention at *ProjectCatalyst@cfpb.gov*. Innovators are advised to use the same Project Catalyst point of contact to initiate a preliminary discussion of a potential No-Action Letter. There are no formal submission requirements to request such a preliminary discussion.

separate letter and submitted with the request for a No-Action Letter. Requesters are advised to specifically identify data that the Requester believes to be confidential supervisory information that should be shielded from public disclosure.

B. Staff Response to Requests for No-Action Letters

The decision whether to respond to a request for a No-Action Letter, and the nature of any response, is within the staff's sole discretion. Depending on the circumstances, the staff may: (i) Grant the request (which grant may be partial, or may be subject to limitations or conditions); (ii) deny the request; (iii) specifically decline to either grant or deny the request, with an explanation; or (iv) specifically decline to either grant or deny the request, without explanation. The staff may, but is not required to, communicate with the requester before making any decision regarding whether and how to respond to the request to seek clarification or for other purposes. The staff may permit requests to be modified in the course of such communications.

Type (i) responses, and a version or summary of the request, generally would be published on the Bureau's Web site.[8] Type (ii) responses generally would be provided to the requester but generally would not be published on the Bureau's Web site.[9] Type (iii) and (iv) responses generally would be provided to the requester and may be published on the Bureau's Web site, particularly if the staff believes that the information will be in the public interest.

Non-exclusive examples of circumstances under which the staff presumptively would provide only responses of type (iii) or (iv), or, where appropriate, no response at all, include:

1. The requester or its principals are the subject of ongoing governmental law enforcement investigation, supervisory review, or enforcement action respecting the product or a related or similar product.[10]

2. The request concerns an area in which the Bureau is engaged in ongoing or anticipated rulemaking, supervisory, enforcement, or other initiatives.

3. The request concerns matter that the staff considers to be inappropriate for no-action treatment.

4. The staff has decided not to invest the Bureau resources that appear likely to be necessary to address the request adequately.

No-Action Letters will not be routinely available. The Bureau anticipates that No-Action Letters will be provided rarely and on the basis of exceptional circumstances and a thorough and persuasive demonstration of the appropriateness of such treatment. Requesters do not have a legal entitlement to no-action treatment of regulatory uncertainties, and Bureau resources available for consideration of No-Action Letter requests are limited in light of other Bureau priorities. Requesters may wish to include in their submissions any particular reasons why their request should be considered by the Bureau to be a matter of special importance.

C. Staff Assessment of Requests for No-Action Letters

The staff considerations, in deciding whether to provide a No-Action Letter,[11] include:

1. The extent to which the requester's product structure, terms and conditions, and disclosures to and agreements with consumers enable consumers to meaningfully understand and appreciate the terms, characteristics, costs, benefits, and risks associated with the product, and to act effectively to protect themselves from unnecessary cost and risk.

2. The extent to which evidence, including the requester's own testing, indicates that the product's aspects in question may provide substantial benefits to consumers.

3. The extent to which the asserted benefits to consumers are available in the marketplace from other products.

4. The extent to which the requester controls for and effectively addresses and mitigates risks to consumers.[12]

5. The extent to which granting the request is necessary in order to reduce substantial regulatory uncertainty for the requester with respect to the requester's product.

6. The extent to which the substantial regulatory uncertainty identified by the requester may be better addressed through other regulatory means, such as Bureau rulemaking, other Bureau guidance, or provision of a waiver under the Bureau's Policy to Encourage Trial Disclosure Programs.[13]

7. Whether the entity is demonstrably in compliance with other relevant federal and state regulatory requirements.

8. The extent to which the request is sufficiently limited in time, volume of transactions, or otherwise, to allow the Bureau to learn about the product and the aspects in question while minimizing any consumer risk.

9. The extent to which any data that the entity has provided and agrees to provide to the Bureau regarding the operation of the product's aspects in question will be expected to further consumer protection.

10. The extent to which public disclosure of relevant data may be permitted.

D. Staff Provision of No-Action Letters

When the staff decides to provide a No-Action Letter, it plans to publish the letter, along with a version or summary of the request, on the Bureau's Web site. The expected contents of a No-Action Letter include the following:

1. A statement that, subject to the conditions and limitations set forth, the staff has no present intention to recommend initiation of an enforcement or supervisory action against the requester in respect to the particular aspects of its product under the specific identified provisions and applications of statutes or regulations that are the subject of the No-Action Letter. The statement that the staff has no present intention to recommend initiation of an enforcement or supervisory action does not mean that the Bureau will not conduct supervisory activities or engage in enforcement investigation to evaluate the requester's compliance with the terms of the No-Action Letter or to evaluate other matters.

2. A statement that the no-action treatment is limited to the requester's offering of the product's aspects in question in the manner described, and that it does not pertain to (i) the requester for offering the product in a different manner; (ii) the requester for offering different products, or with respect to other provisions or applications of these or other statutes and regulations, or with respect to other aspects of the product; or (iii) any other person.

3. A statement that the No-Action Letter is based on the facts stated and factual representations made in the request, and is contingent on the correctness of such facts and factual representations.

[8] Type (i) responses are further discussed in Section D below.

[9] The Bureau may publish a denial on its Web site if it believes that doing so is in the public interest.

[10] If the staff decides to provide a type (iii) response to the entity in such circumstances, the response would not be published on the Bureau's Web site.

[11] The decision whether to provide a No-Action Letter, and the terms on which it may be provided, are within the staff's sole discretion.

[12] This factor includes the extent to which the requester has plans in place for addressing unanticipated consumer harms caused by the product and the extent to which the entity possesses the resources to compensate injured consumers.

[13] 78 FR 64389 (Oct. 29, 2013).

4. A statement (a) disclaiming any intention that the No-Action Letter constitutes a determination by the Bureau or its staff about, or is an interpretation of, or grants any exception, waiver, safe harbor, or similar treatment respecting the statutes and rules identified in the request, or their application to the product's aspects in question, or otherwise constitutes an official expression of the Bureau's views, and that any explanatory discussion should not be interpreted as such an interpretation, waiver, safe harbor, or the like, that is binding on the Bureau, and (b) that the staff is not necessarily in agreement with any legal or policy analysis, any interpretation of data, or any other matter, set forth in the request.

5. A description of any conditions or limitation attending the No-Action Letter, such as the requester's commitment to provide additional safeguards to consumers, or to share certain types of data with the Bureau, as well as any limitations as to time period or quantity of transactions.

6. A statement that the No-Action Letter is subject to modification or revocation at any time at the discretion of the staff for any reason, including that: the facts and representations in the request appear to be materially inaccurate or uncertain; the requester fails to satisfy conditions or violates limitations specified in the No-Action Letter; the product or any of its material features, terms, or conditions, is altered; or the staff determines that such modification or revocation is appropriate to protect consumers or is otherwise in the public interest. Unless there is a reason not to do so in a particular case, staff plans to communicate with the requesting entity (or entities) regarding the grounds for potential revocation or modification in advance of a revocation or modification, and permit an opportunity to respond. When staff revokes or modifies a No-Action Letter, staff intends to do so in writing. Staff plans to make revocations and modifications public.

7. A statement that the No-Action Letter is not issued by or on behalf of any other government agency or any other person, and is not intended to be honored or deferred to in any way by any court or any other government agency or person.

8. A statement of any expiration date, or volume limitation, applicable to the No-Action Letter (and whether or not the requester may seek to renew the No-Action Letter).

9. A statement that the No-Action Letter becomes inapplicable upon failure to adhere to the affirmations or undertakings made in the request or stated as conditions of the issuance of the letter. To the extent that the facts and representations in the request are materially inaccurate, or the requester fails to satisfy conditions or violates limitations specified in the No-Action Letter, and in other similar circumstances, the No-Action Letter is by its own terms inapplicable (even without modification or revocation) and the staff may recommend initiating a retrospective enforcement or supervisory action if appropriate.

E. Bureau Disclosure of Entity Data

The Bureau's disclosure of a version or summary of the request and any data received from the requester in connection with a request for a No-Action Letter is governed by the Bureau's rules regarding Disclosure of Records and Information.[14] For example, 12 CFR 1070.14 generally requires the Bureau to make its records available to any person pursuant to a request that conforms to the rules and procedures of that section, subject to the application of the FOIA exemptions and exclusions. To the extent the Bureau affirmatively wishes to disclose such data, the terms of such disclosure will be consistent with applicable law and the Bureau's own rules and may be specified in a separate agreement with the requester. Consistent with applicable law and its own rules, the Bureau will seek to redact data to protect consumers' privacy interests.

Dated: February 2, 2016.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2016–02390 Filed 2–19–16; 8:45 am]

BILLING CODE 4810–AM–P

[14] *See* 12 CFR part 1070.

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0055]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Flammability Standards for Children's Sleepwear

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (''PRA'') of 1995 (44 U.S.C. chapter 35), the Consumer Product Safety Commission (''Commission'' or ''CPSC'') announces that the Commission has submitted to the Office of Management and Budget (''OMB'') a request for extension of approval of a collection of information associated with the Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X (16 CFR part 1615); and the Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14 (16 CFR part 1616), approved previously under OMB Control No. 3041–0027. In the **Federal Register** of November 25, 2015 (80 FR 73737), the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information, without change.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by March 23, 2016.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov*, under Docket No. CPSC–2012–0055.

Title: Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X; and the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14.

OMB Number: 3041–0027.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of children's sleepwear.

Estimated Number of Respondents: Based on a review of past firm inspections, and published industry information, approximately 50 large domestic companies manufacture most of the children's sleepwear produced in the United States. In addition, there may be up to 1,000 small domestic producers of children's sleepwear. Accordingly, there may be as many as 1,050 firms that manufacture children's sleepwear in the United States. There are also approximately 4,500 importers (which may include some of the domestic manufacturers) that supply children's sleepwear to the United States market.

Estimated Time per Response: The 50 large domestic manufacturers and the 100 largest importers may each introduce an average of 100 new children's sleepwear items annually. Testing and recordkeeping of each item is approximately 3 hours. The annual burden for the 50 large domestic manufacturers and the 100 largest importers is estimated at 45,000 hours for testing and recordkeeping (150 firms × 100 items × 3 hours). The remaining 1,000 manufacturers and 4,400 importers have on the average 10 new children's sleepwear items annually, for a testing and recordkeeping burden of 162,000 hours (5,400 firms × 10 items × 3 hours.)

Total Estimated Annual Burden: The total estimated potential annual burden imposed by the flammability standards on all manufacturers and importers of children's sleepwear is approximately 207,000 hours (45,000 hours + 162,000 hours).

Description of Collection: The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (16 CFR part 1615) and the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (16 CFR part 1616) address the fire hazard associated with small-flame ignition sources for children's sleepwear manufactured for sale in or imported into the United States. The standards also require manufacturers and importers of children's sleepwear to collect information resulting from product testing, and maintenance of the testing records. 16 CFR part 1615, subpart B; 16 CFR part 1616; subpart B.

Dated: February 17, 2016.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2016–03580 Filed 2–19–16; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0044]

Proposed Extension of Approval of Information Collection; Comment Request—Safety Standard for Cigarette Lighters

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 request for an extension of approval of a collection of information from manufacturers and importers of disposable and novelty cigarette lighters. This collection of information consists of testing and recordkeeping requirements in regulations implementing the Safety Standard for Cigarette Lighters (16 CFR part 1210), approved previously under OMB Control No. 3041–0116. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget (''OMB'').

DATES: The Office of the Secretary must receive comments not later than April 22, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2009–0044, 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–2009–0044, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: 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: Safety Standard for Cigarette Lighters.

OMB Number: 3041–0116.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of cigarette lighters.

Estimated Number of Respondents: In 2015, 42 firms submitted information to the CPSC on 307 lighter models. There were 4 new models and 303 lighters that were comparable to previously tested models (''comparison lighters'').

Estimated Time per Response: Recordkeeping is composed of two separate components: recordkeeping for new models and recordkeeping for comparison lighters. The time burden for recordkeeping for new models is estimated at 20 hours per model. The total time for recordkeeping of new models is estimated to be 80 hours (20 hours × 4 models). For each new model, product testing for each firm would take approximately 90 hours per model, for a total of 360 hours (90 hours × 4 models).

Firms may also submit comparison lighters to demonstrate compliance with the standard. In 2015, 303 comparison lighters were reported to the CPSC. While firms bear no testing costs for comparison lighters, the burden hours for recordkeeping has been estimated at 3 hours per model. Thus, an estimated 909 hours (303 models × 3 hours) is estimated for recordkeeping for comparison lighters.

Reporting requirements for submitting forms to CPSC are estimated at one hour per model, for a total annual reporting burden on 307 hours (307 models × 1 hour).

Total Estimated Annual Burden: The total number of responses is approximately 307 per year (4 new models + 303 comparison lighters). The number of hours estimated for testing and recordkeeping is 1,349 hours per year, including new-product tests (360 hours if done in house), new product recordkeeping (4 new models × 20 hours = 80 hours), and recordkeeping for comparison lighters (303 comparison lighters × 3 hours = 909 hours). In addition, the CPSC estimates that approximately one hour per product will be required for manufacturers to submit forms to CPSC, or 307 total hours for reporting. Accordingly the total burden hours for recordkeeping and reporting are approximately 1656 hours (1349 + 307).

General Description of Collection: In 1993, the Commission issued the Safety Standard for Cigarette Lighters (16 CFR part 1210) under the Consumer Product Safety Act (''CPSA'') (15 U.S.C. 2051 *et seq.*) to eliminate or reduce risks of death and burn injury from fires accidentally started by children playing with cigarette lighters. The standard requires certain test protocols, as well as recordkeeping and reporting requirements. 16 CFR part 1210, subpart B. In addition, section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, importers, and private labelers of a consumer product subject to a consumer product safety standard to issue a certificate stating that the product complies with all applicable consumer product safety standards. Section 14(a) of the CPSA also requires that the certificate of compliance must be based on a test of each product or upon a reasonable testing program.

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 17, 2016.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2016–03581 Filed 2–19–16; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors Meeting

ACTION: Notice of meeting of the Air University Board of Visitors.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the Air University Board of Visitors' Air Force Institute of Technology (AFIT) Subcommittee meeting will take place on Monday, 25 April 2016, from approximately 8:00 a.m. to approximately 4:00 p.m. and Tuesday, 26 April, 2016, from approximately 8:00 a.m. to approximately 4:00 p.m. The meeting will be held at AFIT, on Wright-Patterson, Air Force Base, in Dayton, Ohio. The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational policies, programs, and direction of the Air Force Institute of Technology. Specific to this agenda is AFIT laboratory visits.

In addition, the Air University Board of Visitors' spring meeting will take place on Tuesday, April 26th, 2016, from approximately 8:00 a.m. to approximately 4:00 p.m. and Wednesday, April 27th, 2016, from approximately 7:30 a.m. to approximately 3:00 p.m. The meeting will be held at the Air Force Institute of Technology, on Wright-Patterson, Air Force Base, in Dayton, Ohio. The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. Specific to this agenda includes topics relating to AU transformation and will include laboratory tours and an out brief from the AFIT Subcommittee.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155 all sessions of the Air University Board of Visitors' meetings' will be open to the public. Any member of the public wishing to provide input to the Air University Board of Visitors' should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least ten calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Air University Board of Visitors until its next meeting.

The Designated Federal Officer will review all timely submissions with the Air University Board of Visitors' Board Chairperson and ensure they are provided to members of the Board before the meeting that is the subject of this notice. Additionally, public attendance at either the AFIT Subcommittee or AU/BOV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. Any member of the public wishing to attend this meeting should contact the Designated Federal Officer listed below at least ten calendar days prior to the meeting for information on base entry procedures.

FOR FURTHER INFORMATION: Ms. Lisa Arnold, Designated Federal Officer, Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base, Alabama 36112–6335, telephone (334) 953–2989.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2016–03598 Filed 2–19–16; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Advisory Committee on Arlington National Cemetery (ACANC). The meeting is open to the public. For more information about the Committee, please visit *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter.*

DATES: The Committee will meet from 10:00 a.m.–3:00 p.m. on Tuesday, March 15, 2016.

ADDRESSES: Arlington National Cemetery Welcome Center, Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Ms. Renea Yates; Designated Federal Officer for the Committee, in writing at Arlington National Cemetery, Arlington VA 22211, or by email at

renea.c.yates.civ@mail.mil, or by phone at 1–877–907–8585.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. § 552b, as amended) and 41 Code of the Federal Regulations (CFR § 102–3.150).

Purpose of the Meeting: The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of the Army independent advice and recommendations on Arlington National Cemetery, including, but not limited to, cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations.

Proposed Agenda: The Committee will review commemorative monument requests, receive a briefing on the history of burial eligibility at Arlington National Cemetery and review ongoing construction projects.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. The Arlington National Cemetery conference room is readily accessible to and usable by persons with disabilities. For additional information about public access procedures, contact Ms. Renea Yates, the Committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR § 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee, in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Ms. Renea Yates, the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer will review all timely submitted written comments or statements with the Designated Federal Officer and the Committee Chairperson, and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Pursuant to 41 CFR § 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) days in advance to the Committee's Designated Federal Official, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Official will log each request, in the order received, and in consultation with the Committee Chair determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–03576 Filed 2–19–16; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery Remember Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open subcommittee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Remember Subcommittee of the Advisory Committee on Arlington National Cemetery (ACANC). The meeting is open to the public. For more information about the Committee and the Remember Subcommittee, please visit *http://www.arlingtoncemetery.mil/AboutUs/FocusAreas.aspx.*

DATES: The Remember Subcommittee will meet from 08:30 a.m. to 09:30 a.m. on Tuesday, March 15, 2016.

ADDRESSES: Arlington National Cemetery Welcome Center, Conference Room, Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Ms. Renea Yates; Designated Federal Officer for the committee and the Remembrance Subcommittee, in writing at Arlington National Cemetery, Arlington, VA 22211, or by email at *renea.c.yates.civ@mail.mil,* or by phone at 1–877–907–8585.

SUPPLEMENTARY INFORMATION: This subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. § 552b, as amended) and 41 Code of the Federal Regulations (CFR § 102–3.150).

Purpose of the Meeting: The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of the Army independent advice and recommendations on Arlington National Cemetery, including, but not limited to, cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the committee's advice and recommendations. The primary purpose of the Remember Subcommittee is to review and provide recommendations on preserving and caring for the marble components of the Tomb of the Unknown Soldier (TUS) and reviewing proposed commemorative monuments requested for placement in the cemetery.

Proposed Agenda: The Subcommittee will review the status of all pending commemorative monument requests.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. The Arlington National Cemetery conference room is fully

handicapped accessible. For additional information about public access procedures, contact Ms. Renea Yates, the subcommittee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR § 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the subcommittee, in response to the stated agenda of the open meeting or in regard to the subcommittee's mission in general. Written comments or statements should be submitted to Ms. Renea Yates, the subcommittee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the subcommittee. The Designated Federal Officer will review all timely submitted written comments or statements with the subcommittee Chairperson, and ensure the comments are provided to all members of the subcommittee before the meeting. Written comments or statements received after this date may not be provided to the subcommittee until its next meeting. Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak; however, interested persons may submit a written statement or a request to speak for consideration by the subcommittee. After reviewing any written statements or requests submitted, the subcommittee Chairperson and the Designated Federal Officer may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer in consultation with the subcommittee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–03575 Filed 2–19–16; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS); Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place. This meeting is open to the public.

DATES: Tuesday, March 8, 2016, from 8:30 a.m. to 12:00 p.m.; Wednesday, March 9, 2016, from 8:30 a.m. to 11:45 a.m.

ADDRESSES: Sheraton Pentagon City, 900 South Orme Street, Arlington, VA 22204.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowling or DACOWITS Staff at 4800 Mark Center Drive, Suite 04J25–01, Alexandria, Virginia 22350–9000; *robert.d.bowling1.civ@mail.mil,* telephone (703) 697–2122, fax (703) 614–6233. Any updates to the agenda or any additional information can be found at *http://dacowits.defense.gov/.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming meeting of the DACOWITS.

The purpose of the meeting is for the Committee to swear-in new members, and to receive briefings and updates relating to their current work. The Committee will start the meeting with the swearing-in of three new members. The Designated Federal Officer (DFO) will then give a status update on the Committee's requests for information. There will be a panel with the Air Force, Army, and Navy Chaplain Corps. The Office of Diversity Management and Equal Opportunity will provide an update on sexual harassment. There will be a public comment period at the end of day one. On the second day the Committee will announce their 2016 installation visit schedule. Additionally, there will be two panel discussions with the Services on the following topics: Gender Integration and Transition Training programs and resources. Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, interested persons may submit a written statement for consideration by the DACOWITS. Individuals submitting a written statement must submit their statement to the point of contact listed at the address in **FOR FURTHER INFORMATION CONTACT** no later than 5:00 p.m., Monday, February 29, 2016. If a written statement is not received by Monday, February 29, 2016, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DACOWITS until its next open meeting. The DFO will review all timely submissions with the DACOWITS Chair and ensure they are provided to the members of the Committee. If members of the public are interested in making an oral statement, a written statement should be submitted. After reviewing the written comments, the Chair and the DFO will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Pursuant to 41 CFR 102–3.140(d), determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the DFO, and will depend on time available and if the topics are relevant to the Committee's activities. Five minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Tuesday, March 8, 2016 from 11:40 a.m. to 12:00 p.m. in front of the full Committee. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public, subject to the availability of space.

Meeting Agenda

Tuesday, March 8, 2016, From 8:30 a.m. to 12:00 p.m.

— Welcome, Introductions, Announcements
— Swearing-In of New Members
— Request for Information Status Update
— Panel Discussion—Re-Examining the Chaplain Corps
— Sexual Harassment Update
— Public Comment Period

Wednesday, March 9, 2016, From 8:30 a.m. to 11:45 a.m.

— Welcome and Announcements
— Committee Announces 2016 Installation Visit Schedule
— Panel Discussion—Gender Integration
— Panel Discussion—Transition Training Programs and Resources

Dated: February 17, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–03571 Filed 2–19–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Secretary of Defense, Reserve Forces Policy Board, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board (RFPB) will take place.

DATES: Wednesday, March 9, 2016 from 8:20 a.m. to 4:30 p.m.

ADDRESSES: The address is the Pentagon, Room 3E863, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Sabol, Designated Federal Officer, (703) 681–0577 (Voice), (703) 681–0002 (Facsimile), Email—*Alexander.J.Sabol.Civ@Mail.Mil.* Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Web site: *http://rfpb.defense.gov/.* The most up-to-date changes to the meeting agenda can be found on the RFPB's Web site.

SUPPLEMENTARY INFORMATION: This meeting notice is being published under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review, and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 8:20 a.m. to 4:30 p.m. The portion of the meeting from 8:20 a.m. to 1:30 p.m. will be closed to the public and will consist of remarks to the RFPB from invited speakers that include the Deputy Secretary of Defense, the Acting Secretary of the U.S. Army, the Institute for Defense Analyses (IDA) Corporation, the Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness, and the Chief of Naval Personnel. The Deputy Secretary of Defense will address key national security challenges facing our Nation and priorities for adapting the force. The Acting Secretary of the U.S. Army will discuss Army posture, views on the Report of the National Commission on the Future of the Army (NCFA), and plans to adapt the Total Army to meet future challenges. IDA will brief the findings of their study on the Reserve Component effectiveness during Operation Iraqi Freedom. The Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness will discuss readiness of the force to address threats to U.S. national interests, views on the NCFA Report, and progress in and challenges with implementing Force of the Future initiatives. The Chief of Naval Personnel will discuss Navy recruiting and retention, fleet personnel readiness, and plans and initiatives to adapt the Navy personnel system to meet future challenges. The portion of the meeting from 1:40 p.m. to 4:30 p.m. will be open to the public and will consist of briefings from representatives of the former NCFA, the RFPB subcommittee chairs, and will conclude with the Chair's discussion on several proposals. Representatives of the former NCFA, will provide their personal observations and opinions on the NCFA's work and its Final Report. The RFPB subcommittee chairs will provide updates on the work of their respective subcommittee. The Supporting & Sustaining Reserve Component Personnel will discuss views on the Department's and Service's personnel system reforms being considered under the Force of the Future initiative and its effects on the Reserve Components. The Ensuring a Ready, Capable, Available and Sustainable Operational Reserve Subcommittee will present its findings on the assumptions, current authorizations and policies, and mobilization predictability being used across the Department of Defense regarding the availability of the forces of the Reserve Components. The Enhancing DoD's Role in the Homeland Subcommittee will provide an update on the Department of Defense support of civil authorities and FEMA requirements. The RFPB meeting will conclude with discussion from the Chairman on the RFPB's DoD New Administration Transition Book and the National Commission on the Future of the Army Report.

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public from 1:40 p.m. to 4:30 p.m. Seating is on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, not later than 12:00 p.m. on Tuesday, March 8, 2016, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance with sufficient time to complete security screening no later than 1:00 p.m. on March 9. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the portion of this meeting scheduled to occur from 8:20 a.m. to 1:30 p.m. will be closed to the public. Specifically, the Acting Under Secretary of Defense (Personnel and Readiness), in coordination with the Department of Defense FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it is likely to disclose classified matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, interested persons may submit written statements to the RFPB about its approved agenda or at any time on the RFPB's mission. Written statements should be submitted to the RFPB's Designated Federal Officer at the address, email, or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the RFPB members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the RFPB's Web site.

Dated: February 17, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–03603 Filed 2–19–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0143]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Health Education Assistance Loan (HEAL)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 23, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0143. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Health Education Assistance Loan (HEAL).

OMB Control Number: 1845–0126.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 390.

Total Estimated Number of Annual Burden Hours: 205.

Abstract: Section 525 of the Consolidated Appropriations Act of 2014 transferred the collection of HEAL program loans from the U.S. Department of Health and Human Services (HHS) to the U.S. Department of Education (Department). The pertinent information collections were transferred from HHS to the Department and the forms were updated with new contact information and numbers. This is a request for an extension of the information collection for forms HEAL 502–1 and 502–2, HEAL repayment schedules and form HEAL 512, Holder's Report on HEAL program loans. The forms 502–1 and 502–2 provide the borrowers with any updated repayment schedule including the cost of the loan, number and amount of payments with Truth-in-Lending disclosures. The form 512 is prepared quarterly and provides information on the status of outstanding loans such as the number of borrowers by stage of loan life-cycle, repayment status and the corresponding dollars.

Dated: February 17, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–03556 Filed 2–19–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0142]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Direct Consolidation Loan Program Application Documents

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 23, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0142. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jon Utz, 202–377–4040.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information

collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Direct Consolidation Loan Program Application Documents.

OMB Control Number: 1845–0053.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals and Households; Private Sector.

Total Estimated Number of Annual Responses: 3,454,476.

Total Estimated Number of Annual Burden Hours: 817,429

Abstract: This is collection of information includes the following documents: (1) Federal Direct Consolidation Loan Application and Promissory Note (Application and Promissory Note); (2) Instructions for Completing the Federal Direct Consolidation Loan Application and Promissory Note (Instructions); (3) Additional Loan Listing Sheet; (4) Request to Add Loans; and (5) Loan Verification Certificate (LVC). The Application and Promissory Note serves as the means by which a borrower applies for a Federal Direct Consolidation Loan and promises to repay the loan. The Instructions explain to the borrower how to complete the Application and Promissory Note. The Additional Loan Listing Sheet provides additional space for a borrower to list loans that he or she wishes to consolidate, if there is insufficient space on the Application and Promissory Note. The Request to Add Loans serves as the means by which a borrower may add other loans to an existing Federal Direct Consolidation Loan within a specified time period. The LVC serves as the means by which the U.S. Department of Education obtains the information needed to pay off the holders of the loans that the borrower wants to consolidate. This revision updates the forms to reflect regulatory changes, and revises language for greater clarity.

Dated: February 17, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–03555 Filed 2–19–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Asian American and Native American Pacific Islander-Serving Institutions Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI) Program.

Notice inviting applications for new awards for fiscal year (FY) 2016.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.382B.

Dates:

Applications Available: February 22, 2016.

Deadline for Transmittal of Applications: April 22, 2016.

Deadline for Intergovernmental Review: June 21, 2016.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The AANAPISI Program provides grants to eligible institutions of higher education (IHEs) that have an undergraduate enrollment of at least 10 percent Asian American or Native American Pacific Islander students to allow such institutions to plan, develop, undertake, and carry out activities to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders and low-income individuals. Examples of authorized activities for the AANAPISI Program are in section 311(c) of the Higher Education Act of 1965, as amended (HEA).

Priorities: This notice contains one absolute priority, two competitive preference priorities, and one invitational priority. The absolute priority is from the Department's notice of final supplemental priorities and definitions for discretionary grant programs (Supplemental Priorities), published in the **Federal Register** on December 10, 2014 (79 FR 73425). In accordance with 34 CFR 75.105(b)(2)(ii), the competitive preference priorities are from 34 CFR 75.226.

Absolute Priority: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Supporting High-Need Students.

(a) Projects that are designed to improve:

(i) Academic outcomes;

(ii) Learning environments; or

(iii) Both,

(b) For one or more of the following groups of students:

(i) High-need students.

(ii) Students with disabilities.

(iii) English learners.

(iv) Disconnected youth or migrant youth.

(v) Low-skilled adults.

Competitive Preference Priorities: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award one additional point to an application that meets Competitive Preference Priority 1 and three additional points to an application that meets Competitive Preference Priority 2. Applicants may address only one of the competitive preference priorities and must clearly indicate in their application which competitive preference priority they are addressing. Applicants that apply under Competitive Preference Priority 2, but whose applications do not meet the moderate evidence of effectiveness standard, may still be considered under Competitive Preference Priority 1 to determine whether their applications meet the evidence of promise standard.

Note: In assessing the relevance of the research cited to the proposed project, the Secretary will consider, among other factors, the portion of the requested funds that will be dedicated to the evidence-based strategies or activities.

These priorities are:

Competitive Preference Priority 1 (One additional point). Applications supported by evidence of effectiveness that meets the conditions set out in the definition of ''evidence of promise.''

Competitive Preference Priority 2 (Three additional points). Applications supported by evidence of effectiveness that meets the conditions set out in the definition of ''moderate evidence of effectiveness.''

Invitational Priority: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Projects that support activities that strengthen Native American Pacific Islander language preservation and revitalization.

Definitions: The following definitions are from 34 CFR 77.1 and the Supplemental Priorities.

Disconnected youth means low-income individuals, ages 14–24, who are homeless, are in foster care, are involved in the justice system, or are not working or not enrolled in (or at risk of dropping out of) an educational institution.

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental design study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

High-minority school means a school as that term is defined by a local educational agency (LEA), which must define the term in a manner consistent with its State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965, as amended. The applicant must provide the definition(s) of High-minority Schools used in its application.

High-need students means students who are at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools, who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

Large sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Low-skilled adult means an adult with low literacy and numeracy skills.

Moderate evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample. Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

Regular high school diploma means the standard high school diploma that is awarded to students in the State and that is fully aligned with the State's academic content standards or a higher diploma and does not include a General Education Development (GED) credential, certificate of attendance, or any alternative award.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

State means any of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: 20 U.S.C. 1067q(b)(2)(D)(iii).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR

parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The Supplemental Priorities.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $4,635,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2017 from the list of unfunded applications from this competition.

Estimated Range of Awards: $300,000–$350,000 per year.

Estimated Average Size of Awards: $325,000 per year.

Maximum Awards: We will reject any application that proposes a budget exceeding $350,000 for a single budget period of 12 months.

Estimated Number of Awards: 14.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* An IHE is eligible to receive funds under the AANAPISI Program if it qualifies as an Asian American and Native American Pacific Islander-Serving Institution. At the time of application, IHEs applying for funds under the AANAPISI Program must have an enrollment of undergraduate students that is at least 10 percent Asian American or Native American Pacific Islander, as defined as follows:

Asian American means a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent (including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam), as defined in OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published in the **Federal Register** on October 30, 1997 (62 FR 58789).

Native American Pacific Islander means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

At the time of submission of their applications, applicants must certify their total undergraduate headcount enrollment and that 10 percent of the IHE's enrollment is Asian American or Native American Pacific Islander. An assurance form, which is included in the application materials for this competition, must be signed by an official for the applicant and submitted.

To qualify as an eligible institution under the AANAPISI Program, an institution must also be—

(i) Accredited or pre-accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(ii) Legally authorized by the State in which it is located to be a community college or to provide an educational program for which it awards a bachelor's degree; and

(iii) Designated as an ''eligible institution'' by demonstrating that it has: (A) An enrollment of needy students as described in 34 CFR 607.3; and (B) low average educational and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

Note: The notice announcing the FY 2016 process for designation of eligible institutions, and inviting applications for waiver of eligibility requirements, was published in the **Federal Register** on November 19, 2015 (80 FR 72422). Only institutions that the Department determines are eligible, or are granted a waiver, may apply for a grant in this program.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching unless funds are used for an endowment.

IV. Application and Submission Information

1. *Address to Request Application Package:*

Pearson Owens or Don Crews, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 7E311, Washington, DC 20202. Fax: (202) 205–0063. You may contact these individuals at the following email addresses or telephone numbers:

Pearson.Owens@ed.gov; (202) 502–7804
Don.Crews@ed.gov; (202) 502–7574

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

You can obtain an application via the Internet using the following address: *www.Grants.gov.*

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting one of the program contact people listed in this section.

2. *Content and Form of Application Submission:*

Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria, the absolute priority, the competitive preference priorities, and the invitational priority that reviewers use to evaluate your application. We have established mandatory page limits. You must limit the section of the application narrative that addresses:

- The selection criteria to no more than 50 pages.
- The absolute priority to no more than three pages.
- A competitive preference priority, to no more than three pages, if you address one of those priorities.
- The invitational priority to no more than two pages, if you address it.

Accordingly, under no circumstances may the application narrative exceed 58 pages.

Include a separate heading for each priority that you address.

For the purpose of determining compliance with the page limits, each page on which there are words will be counted as one full page. Applicants must use the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and an identifier may be within the 1″ margins.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, quotations, references, and captions and all text in charts, tables, figures, and graphs. These items may be single-spaced. Charts, tables, figures, and graphs in the application narrative count toward the page limits.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to the Application for Federal Assistance (SF 424); the Supplemental Information for SF 424 Form; the Budget Information

Summary Form (ED Form 524) and Budget Narrative; and the assurances and certifications. The page limit also does not apply to the table of contents, the one-page abstract, the resumes, the bibliography, the letters of support, program profile, or the studies. If you include any attachments or appendices, these items will be counted as part of the application narrative for purposes of the page-limit requirement. You must include your complete response to the selection criteria and priorities in the application narrative.

We will reject your application if you exceed the page limits.

3. *Submission Dates and Times:*

Applications Available: February 22, 2016.

Deadline for Transmittal of Applications: April 22, 2016.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the program contact people listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: June 21, 2016.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference the regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under the AANAPISI Program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the AANAPISI Program, CFDA number 84.382B, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the AANAPISI Program at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.382, not 84.382B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application

that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through Grants.gov, please refer to the Grants.gov Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the project narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. This notification indicates receipt by Grants.gov only, not receipt by the Department. Grants.gov will also notify you automatically by email if your application met all the Grants.gov validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by Grants.gov, the Department will retrieve your application from Grants.gov and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by Grants.gov, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact one of the program contact people listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Pearson Owens, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 7E311, Washington, DC 20202. FAX: (202) 205–0063.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.382B), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.382B), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. We will award up to 100 points to an application under the selection criteria; the total possible points for each selection criterion are noted in parentheses.

a. *Need for project.* (Maximum 25 points) The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers:

1. The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project. (10 points)

2. The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals. (10 points)

3. The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

b. *Quality of the project design.* (Maximum 20 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers:

1. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

2. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (10 points)

c. *Quality of project services.* (Maximum 10 points) The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers:

1. The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services. (5 points)

2. The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice. (5 points)

d. *Quality of project personnel.* (Maximum 10 points) The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

In addition, the Secretary considers:

1. The qualifications, including relevant training and experience, of the project director or principal investigator. (5 points)

2. The qualifications, including relevant training and experience, of key project personnel. (5 points)

e. *Adequacy of resources.* (Maximum 5 points) The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers:

1. The extent to which the budget is adequate to support the proposed project. (3 points)

2. The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (2 points)

f. *Quality of the management plan.* (Maximum 15 points) The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers:

1. The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and

milestones for accomplishing project tasks. (10 points)

2. The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (2.5 points)

3. The adequacy of mechanisms for ensuring high-quality products and services from the proposed project. (2.5 points)

g. *Quality of the project evaluation.* (Maximum 15 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers:

1. The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (5 points)

2. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (5 points)

3. The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (5 points)

2. *Review and Selection Process:* The awards will be made in rank order according to the average score received from a panel of three readers.

We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Tie-breaker for Grants.* To resolve ties in the reader scores of applications for grants, the Department will award one additional point to an application from an IHE that has an endowment fund for which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable institutions that offer similar instruction. In addition, to resolve ties in the reader scores of applications for grants, the Department will award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditures for library materials per FTE enrolled student at comparable institutions that offer similar instruction. We also will add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

1. Faculty development;

2. Funds and administrative management;

3. Development and improvement of academic programs;

4. Acquisition of equipment for use in strengthening management and academic programs;

5. Joint use of facilities; and

6. Student services.

For the purpose of these funding considerations, we will use the most recent complete data available (*e.g.,* for FY 2016, we will use 2013–2014 data).

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE enrolled student.

4. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the AANAPISI Program:

a. The percentage change, over a five-year period, of the number of full-time, degree-seeking undergraduates enrolling at AANAPISIs. Note that this is a long-term measure, which will be used to periodically gauge performance;

b. The percentage of first-time, full-time degree-seeking undergraduate students at four-year AANAPISIs who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same AANAPISI;

c. The percentage of first-time, full-time degree-seeking undergraduate students at two-year AANAPISIs who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same AANAPISI;

d. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year AANAPISIs who graduate within six years of enrollment; and

e. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at two-year

AANAPISIs who graduate within three years of enrollment.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Pearson Owens or Don Crews, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 7E311, Washington, DC 20202. You may contact these individuals at the following email addresses or telephone numbers: *Pearson.Owens@ed.gov;* (202) 502–7804 *Don.Crews@ed.gov;* (202) 502–7574 If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 17, 2016.

Lynn Mahaffie,

Deputy Assistant Secretary for Policy, Planning and Innovation Delegated the Duties of Assistant Secretary for Postsecondary Education.

[FR Doc. 2016–03625 Filed 2–19–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0141]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; William D. Ford Federal Direct Loan (Direct Loan) Program Federal Direct PLUS Loan Master Promissory Note and Endorser Addendum

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 23, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0141. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jon Utz, 202–377–4040.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: William D. Ford Federal Direct Loan (Direct Loan) Program Federal Direct PLUS Loan Master Promissory Note and Endorser Addendum.

OMB Control Number: 1845–0068.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,380,923.

Total Estimated Number of Annual Burden Hours: 690,462.

Abstract: The Federal Direct PLUS Loan Master Promissory Note (Direct PLUS Loan MPN) serves as the means by which an individual applies for and agrees to repay a Federal Direct PLUS Loan. The Direct PLUS Loan MPN also informs the borrower of the terms and conditions of Direct PLUS Loan and includes a statement of borrower's rights and responsibilities. A Direct PLUS Loan borrower must not have an adverse credit history. If an applicant for a Direct PLUS Loan is determined to have an adverse credit history, the applicant may qualify for a Direct PLUS Loan by obtaining an endorser who does not have an adverse credit history. The Endorser Addendum serves as the means by which an endorser agrees to repay the Direct PLUS Loan if the borrower does not repay it. This revision incorporates changes to information based on regulatory changes, expands repayment plan

information, and clarifies information through updated language.

Dated: February 17, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–03554 Filed 2–19–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under Article 6 paragraph 2 of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than March 8, 2016.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Oehlbert, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–3806 or email: *Sean.Oehlbert@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the alteration in form or content of 1.3 kg of U.S.-origin highly enriched uranium (HEU), 1.21 kg of which is in the isotope of U–235 (93 percent enrichment) and currently located at PT Industri Nuklir (PT INUKI) in Serpong, Indonesia, through down-blending to reduce its enrichment to less than 20 percent U–235. The purpose of the down-blending of the HEU is to achieve permanent threat reduction by eliminating HEU from Indonesia. PT INUKI will down-blend the HEU contained in 514 bottles of irradiated HEU targets in liquid form and 14 containers of un-irradiated liquid HEU used in the plating process for medical isotope production, on-site at the Pusat Penelitian Ilmu Pengetahuan dan Teknologi facility in Serpong. The quantity of uranium will increase from 1.3 kg to 6.72 kg while the U–235 enrichment will decrease from 93 percent to 18 percent. The down-blend operation is scheduled to last for approximately three months.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the alteration in form or content of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: February 11, 2016.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2016–03572 Filed 2–19–16; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9941–47–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of South Carolina's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On January 5, 2016, the South Carolina Department of Health and Environmental Control (SC DHEC) submitted an application titled State and Local Emissions Inventory System for revisions/modifications to two of its EPA-approved air programs under title 40 CFR to allow new electronic reporting. EPA reviewed SC DHEC's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve South Carolina's request to revise/modify its following EPA-authorized air programs to allow electronic reporting under 40 CFR parts 51 and 70, is being published in the **Federal Register:**

Part 52—Approval and Promulgation of Implementation Plans; and

Part 70—State Operating Permit Programs.

SC DHEC was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2016–03546 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9942–60–Region 3]

Adequacy Status of the Baltimore 1997 8-Hour Ozone Standard Reasonable Further Progress Budgets for Volatile Organic Compounds and Nitrogen Oxides for 2012 for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, the Environmental Protection Agency (EPA) is notifying the public that EPA has found that the Baltimore 1997 8-hour ozone standard reasonable further progress budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO_X) for 2012 are adequate for transportation conformity purposes. As a result of EPA's finding, the Baltimore 1997 8-Hour Ozone Nonattainment Area must use these budgets for future conformity determinations.

DATES: This final rule is effective on March 8, 2016.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, Physical Scientist, Office of Air Program Planning (3AP30), United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–2036; *becoat.gregory@epa.gov*.

SUPPLEMENTARY INFORMATION: On July 22, 2013, EPA received a State Implementation Plan (SIP) revision from Maryland Department of the Environment (MDE). This revision consisted of 2012 reasonable further progress (RFP) motor vehicle emission budgets (MVEBs) for the Baltimore 1997 8-Hour Ozone Nonattainment Area. This submission established MVEBs for the Baltimore 1997 8-Hour Ozone Nonattainment Area for the year 2012. The MVEBs are the amount of emissions allowed in the SIP for on-road motor vehicles; it establishes an emissions ceiling for the regional transportation network. The MVEBs are provided in Table 1:

TABLE 1—2012 RFP MOBILE BUDGETS FOR THE BALTIMORE NON-ATTAINMENT AREA

Year	Motor vehicle emissions budgets for NO_X in tons per day	Motor vehicle emissions budgets for VOCs in tons per day
2012	93.5	40.2

On November 23, 2015, EPA posted the availability of the Baltimore 1997 8-Hour Ozone Nonattainment Area MVEBs on EPA's Web site for the purpose of soliciting public comments as part of the adequacy process. The comment period closed on November 23, 2015 and EPA received no comments.

Today's notice is simply an announcement of a finding that EPA has already made. EPA Region III sent a letter to MDE on January 14, 2016, finding that the 2012 RFP MVEBs in the Baltimore 1997 8-Hour Ozone Nonattainment Area SIP, submitted on July 22, 2013 by MDE, are adequate and must be used for transportation conformity determinations in the Baltimore 1997 8-Hour Ozone Nonattainment Area. The finding and associated letter is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*.

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004 preamble starting at 69 FR 40038 and used the information in these resources in making this adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudge EPA's ultimate approval action for the SIP. Even if EPA finds the budgets for the Baltimore 1997 8-Hour Ozone Nonattainment Area adequate, the SIP could later be disapproved. The finding and the response to comments are available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 4, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2016–03609 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9940–91–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Arizona's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On October 29, 2015, the Arizona Department of Environmental Quality (ADEQ) submitted an application titled State and Local Emissions Inventory System for revisions/modifications to two of its EPA-approved air programs under title 40 CFR to allow new electronic reporting. EPA reviewed ADEQ's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Arizona's request to revise/modify its following EPA-authorized air programs to allow electronic reporting under 40 CFR parts 51 and 70, is being published in the **Federal Register:**

Part 52—Approval and Promulgation of Implementation Plans; and
Part 70—State Operating Permit Programs.

ADEQ was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2016–03545 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9931–86–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Hawaii's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective February 22, 2016.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On September 8, 2015, the Hawaii Department of Health (HI DOH) submitted an application titled ''Electronic Permitting Portal'' for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed HI DOH's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Hawaii's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 51–52, 61–63, 65, 70, 122, 144, 146, 240–259, 262, 264–265, 270–271, 279, 280, 403–471, 745, and 763 is being published in the **Federal Register:**

Part 52—Approval and Promulgation of Implementation Plans;
Part 62—Approval and Promulgation of State Plans for Designated Facilities and Pollutants;
Part 63—National Emission Standards for Hazardous Air Pollutants for Source Categories
Part 70—State Operating Permit Programs;
Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System;
Part 145—State Underground Injection Control Programs;
Part 239—Requirements for State Permit Program Determination of Adequacy;
Part 271—Approved State Hazardous Waste Management Programs;
Part 281—Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks;
Part 403—General Pretreatment Regulations For Existing And New Source Of Pollution;
Part 745—Lead-based Paint Poisoning Prevention in Certain Residential Structures; and
Part 763—Asbestos.

HI DOH was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2016–03558 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0789; FRL–9942–66]

Chlorinated Paraffins; Request for Available Information on PMN Risk Assessments; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** of December 23, 2015, requesting new available data on certain chlorinated paraffins in different industries and for different uses, to inform the risk assessments for chlorinated paraffins submitted as Toxic Substances Control Act (TSCA) Premanufacture Notices (PMNs). This document extends the comment period for 30 days, from February 22, 2016 to March 23, 2016.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0789, must be received on or before March 23, 2016.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of December 23, 2015 (80 FR 79886) (FRL–9940–13).

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: This document extends the public comment period established in the **Federal Register** document of December 23, 2015 (80 FR 79886) (FRL–9940–13), which requested new available data on certain chlorinated paraffins in different industries and for different uses, to inform the risk assessments for chlorinated paraffins submitted as Toxic Substances Control Act (TSCA) Premanufacture Notices (PMNs). Commenters requested additional time to research and submit more detailed comments concerning this action. In order to give all interested persons the opportunity to comment fully, EPA is hereby extending the comment period, which was set to end on February 22, 2016, to March 23, 2016.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of December 23, 2015. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 17, 2016.

Maria J. Doa,

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

[FR Doc. 2016–03597 Filed 2–17–16; 4:15 pm]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–16–000–4157; FRL–9942–62–OAR]

Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2014

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability and request for comments.

SUMMARY: The Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2014 is available for public review.

DATES: To ensure your comments are considered for the final version of the document, please submit your comments by March 23, 2016.

ADDRESSES: You may submit your comments by any of the following methods:

- *Mail:* Leif Hockstad, Climate Change Division, Office of Atmospheric Programs (MC–6207S), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Email: hockstad.leif@epa.gov.*
- *Fax:* (202) 566–2203.

The draft report can be obtained by visiting the U.S. EPA's Climate Change Site at: *http://www3.epa.gov/climatechange/ghgemissions/usinventoryreport.html.*

FOR FURTHER INFORMATION CONTACT: Mr. Leif Hockstad, Environmental Protection Agency, Office of Air and Radiation, Office of Atmospheric Programs, Climate Change Division; telephone number: (202) 343–9432; email address: *hockstad.leif@epa.gov.*

SUPPLEMENTARY INFORMATION: The Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2014 is being made available for a thirty-day public review and comment period. Annual U.S. emissions for the period from 1990 through 2014 are summarized and presented by source category and sector. The inventory contains estimates of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3) emissions. The inventory also includes estimates of carbon fluxes in U.S. agricultural and forest lands. The technical approach used in this report to estimate emissions and sinks for greenhouse gases is consistent with the methodologies recommended by the Intergovernmental Panel on Climate Change (IPCC), and reported in a format consistent with the United Nations Framework Convention on Climate Change (UNFCCC) reporting guidelines. The Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2014 is the latest in a series of annual U.S. submissions to the Secretariat of the UNFCCC. The EPA requests recommendations for improving the overall quality of the inventory report to be finalized in April 2016, as well as subsequent inventory reports.

Dated: February 11, 2016.

Sarah Dunham,

Director, Office of Atmospheric Programs.

[FR Doc. 2016–03488 Filed 2–19–16; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 2016 6020]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 15–03 US Content Survey.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

Under Ex-Im Bank's Short and Medium-Term Insurance and Medium-Term Guarantee programs exported goods and services must meet established content requirement to be eligible for Ex-Im Bank financing and ensure that U.S.-jobs benefit from Ex-Im bank programs. Ex-Im Bank relied upon the exporter's self-certification of content was never verified. The small business exporter survey seeks to obtain feedback from customers on US content requirement. This survey will help Ex-Im Bank better understand small business customers' perspectives on the bank's existence, monitoring, ability to perform compliance on potential areas of concern for exporters and how Ex-Im Bank's requirement impacts their small business. The objective is to identify possible service improvements and better understand small business owners' experiences working with Ex-Im Bank.

The survey can be reviewed at: *http://www.valuerecoveryholding.com/pending/surveyquestionnaire.html.*

DATES: Comments should be received on or before March 23, 2016.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20038, Attn: OMB 3048–14–01.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 15–03 Small Business Exporter Survey on U.S. Content Requirement

OMB Number: 3048–XXXX

Type of Review: Regular

Need and Use: The information requested enables Ex-Im Bank to identify possible service improvements to the benefit of small business exporters.

The number of respondents: 1,000.

Estimated time per respondent: 10 minutes.

The frequency of response: One time.

Annual hour burden: 167 total hours.

Government Expenses

Reviewing time per response: 5 minutes.

Responses per year: 1,000.

Reviewing time per year: 83.3 hours.

Average Wages per hour: $42.50.

Average cost per year: (time * wages) $3,541.67.

Benefits and overhead: 20%.

Total Government Cost: $4,250.

Bonita Jones-McNeil,

Program Analyst, Records Management Division.

[FR Doc. 2016–03582 Filed 2–19–16; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0496]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 22, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email to *PRA@fcc.gov* 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: 3060–0496.

Title: ARMIS Operating Data Report.

Report Number: FCC Report 43–08.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 53 respondents; 53 responses.

Estimated Time per Response: 139 hours for those that have not applied for conditional forbearance; 35 hours for those that have received conditional forbearance.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 219 and 220 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,271 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Ordinarily questions of a sensitive nature are not involved in the ARMIS Report 43–08. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. In such circumstances, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The information contained in FCC Report 43–08 has helped the Commission fulfill its regulatory responsibilities. Automated reporting of these data greatly enhances the Commission's ability to process and analyze the extensive amounts of data provided in the reports. Automating and organizing data submitted to the Commission facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps, and provide an improved basis for auditing and other oversight functions. Automated reporting also enhances the Commission's ability to quantify the effects of policy proposals. The Commission has granted all carriers forbearance from many of the requirements of ARMIS 43–08 conditioned on approval of a data retention compliance plan and continued submission of certain ARMIS 43–08 data related to access lines in service to customers. Of the nine holding companies/affiliated carrier groups currently subject to ARMIS 43–08, six have requested and received conditional forbearance. Of the remaining three holding companies/affiliated carrier groups, one has requested conditional forbearance, and we anticipate that the other two may do so in the future.

Federal Communications Commission.

Gloria J. Miles,

Federal Liaison Officer, Office of the Secretary.

[FR Doc. 2016–03503 Filed 2–19–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0537]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 22, 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: 3060–0537.

Title: Sections 13.9(c), 13.13(c), 13.17(b), 13.211(e) and 13.217, Commercial Operator License Examination Managers (COLEM) Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 659 respondents; 659 responses.

Estimated Time per Response: .44 hours to 30 hours.

Frequency of Response: Recordkeeping requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154 and 303 of the Communications Act of 1934.

Total Annual Burden: 14,796 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 of information.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for a three year extension. The rule sections approved under this collections are 47 CFR sections 13.9, 13.13, 13.17 13.211 and 13.217. If the information collection requirements were not kept or fulfilled it is conceivable that examinees could be overcharged and that fraud and deceit could be used for unjust enrichment of the examiners.

Federal Communications Commission.

Gloria J. Miles,

Federal Liaison Officer, Office of the Secretary.

[FR Doc. 2016–03504 Filed 2–19–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0950]

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 22, 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: 3060–0950.

Title: Bidding Credits for Tribal Lands.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 5 respondents; 5 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: On occasion reporting requirement and 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(i), 303(r), and 303(j)(3) and (4) of the Communications Act of 1934, as amended.

Total Annual Burden: 100 hours.

Total Annual Cost: $270,000.

Privacy Impact Assessment: No impact(s).

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

Needs and Uses: The Commission will be submitting this expiring information collection after this comment period to the Office of Management and Budget (OMB) for approval of an extension request.

From June 2000 to August 2004, the Commission adopted various rulemakings in which a winning bidder seeking a bidding credit to serve a qualifying tribal land within a particular market must:

- Indicate on the long-form application (FCC Form 601) that it intends to serve a qualifying tribal land within that market;
- Within 180 days after the filing deadline for the long-form application, amend its long-form application to identify the tribal land it intends to serve and attach a certification from the tribal government stating that:

(a) The tribal government authorizes the winning bidder to site facilities and provide service on its tribal land;

(b) The tribal area to be served by the winning bidder constitutes qualifying tribal land;

(c) The tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying tribal land; and

(d) Provide certification of the telephone penetration rates demonstrating that the tribal land has a penetration level at or below 85 percent.

The rulemakings also require what each winning bidder must do.

In addition, it also requires that a winning bidder seeking a credit in excess of the amount calculated under the Commission's bidding credit must submit certain information; and a final winning bidder receiving a higher credit must provide within 15 days of the third anniversary of the initial grant of its license, file a certification that the credit amount was spent on infrastructure to provide wireless coverage to qualifying tribal lands, which also includes a final report prepared by an independent auditor verifying that the infrastructure costs are reasonable to comply with our build-out requirements.

Federal Communications Commission.

Gloria J. Miles,

Federal Liaison Officer, Office of the Secretary.

[FR Doc. 2016–03505 Filed 2–19–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0187)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995. On October 7, 2015, (80 FR 60680), the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before March 23, 2016.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room MB–3016, or Manuel E. Cabeza, (202.898.3767), Counsel, Room MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper or Manuel E. Cabeza, at the FDIC address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently-approved collection of information:

1. *Title:* Annual Stress Test Reporting; $10-$50 Billion Templates.

OMB Number: 3064–0187.

Affected Public: Insured state nonmember banks.

Frequency of Response: Annually.

Estimated Number of Respondents: 22.

Estimated Number of Responses: 22.

Estimated Time per Response: 469 hours.

Total Annual Burden: 10,318 hours.

General Description: The FDIC DFAST 10–50 reporting form collects data through two primary schedules: (1) The Results Schedule (which includes the quantitative results of the stress tests under the baseline, adverse, and severely adverse scenarios for each quarter of the planning horizon) and (2) the Scenario Variables Schedule. In addition, respondents are required to submit a summary of the qualitative information supporting their quantitative projections. The FDIC proposes to revise the FDIC DFAST 10–50 Summary Schedule by modifying the financial as of date from September 30th to December 31st. This revision is effective for the 2016 stress test cycle (with reporting in July 2016). In addition, the FDIC proposes to clarify the FDIC DFAST 10–50 reporting form instructions to change the submission date from March 31st to July 31st, to change references to the financial ''as of'' date from September 30th to December 31st, and to update the line items references to the new Call Report Instructions. The FDIC does not expect that the changes to the DFAST 10–50 Summary Schedule and reporting form instructions will result in a change in burden.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 17th day of February, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–03606 Filed 2–19–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10469, 1st Regents Bank, Andover, Minnesota

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for 1st Regents Bank, Andover, Minnesota (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of 1st Regents Bank on 1/18/2013. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership

will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 17, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–03605 Filed 2–19–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 8, 2016.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *The Marvin L. Oates Trust dated March 7, 1995 (Philip D. Oates, Kathryn Oates Fairrington and Larry E. Allbaugh, co-trustees); Philip D. Oates and Jana Oates; the QSST Subtrust of the Marvilyn E. Applegate Irrevocable Trust dated December 16, 2009; the QSST Subtrust of the Kathryn Oates-Fairrington Irrevocable Trust dated December 16, 2009; the QSST Subtrust of the Philip D. Oates Irrevocable Trust dated December 16, 2009; and the QSST Subtrust of the Judy Oates-Holt Irrevocable Trust dated December 16, 2009, all of Sacramento, California; (Larry E. Allbaugh, independent trustee of each QSST Subtrust); the Applegate Family Revocable 1991 Trust (James C. Applegate and Marvilyn E. Applegate, as co-trustees), Judy S. Oates-Holt; all of Granite Bay, California; Gregory Fairrington and Kathryn Oates Fairrington, all of Rocklin, California; Ricky W. Massie and Debra L. Massie, the Clara K. Massie Family Trust established May 1, 1997 (Clara K. Massie, trustee), all of Loomis, California; and the LA Five Star Trust dated December 15, 2015 (Larry E. Allbaugh and Laura Allbaugh, co-trustees),* all of Folsom, California; to retain voting shares of Five Star Bancorp, Sacramento, California, and thereby indirectly retain voting shares of Five Star Bank, Rocklin, California.

Board of Governors of the Federal Reserve System, February 17, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–03569 Filed 2–19–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 7, 2016.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Lee Equity Partners, LLC, Lee Equity Partners Realization Fund, L.P., Lee Equity Strategic Partners Realization Fund, L.P., Lee Equity Partners Realization Fund GP, LLC, and LEP Carlile Holdings, LLC, all of New York, New York; AlpInvest Partners B.V., AlpInvest Partners US Secondary Investments 2015 I CV, AlpInvest Partners Secondary Investments 2015 I B.V., AlpInvest Partners US Secondary Investments 2014 II CV, AlpInvest Partners 2014 II B.V., AM 2014 Secondary CV, AlpInvest Mich B.V., AM 2015 Secondary CV, AlpInvest Partners US Secondary Investments 2015 II CV, AlpInvest Partners Secondary Investments 2015 II B.V., AlpInvest Secondaries Fund (Euro) V CV, AlpInvest SF V. B.V., AlpInvest Secondaries Fund V CV, AlpInvest Partners US Secondary Investments 2014 I CV, AlpInvest Partners 2014 I B.V., GGG US Secondary CV, AlpInvest GGG B.V., GGG US Secondary 2015 CV, AP H Secondaries CV, AP H Secondaries B.V., AP Fondo Secondaries CV, AlpInvest Fondo B.V., AlpInvest GA Secondary CV, AlpInvest GA B.V., AlpInvest A2 Investment Fund CV, AlpInvest United B.V., and AlpInvest A2 Investment Fund II CV, all of Amsterdam, The Netherlands; and AlpInvest Partners US Secondary Investments 2014 I, LLC, and AlpInvest US Holdings, LLC, both of New York, New York; HarbourVest Partners, LLC, HarborVest Partners L.P., Dover Street VIII L.P., Dover VIII Associates L.P., Dover VIII Associates LLC, HarbourVest Global Annual Private Equity Fund L.P., HarbourVest Global Associates L.P., HarbourVest Global Associates LLC, HarbourVest 2015 Global Fund L.P., HarbourVest 2015 Global Associates L.P., HarbourVest 2015 Global Associates LLC, HarbourVest Partners X Secondary L.P., HarbourVest X Associates LLC, HarbourVest Partners IX-Credit Opportunities Fund L.P., HarbourVest IX-Credit Opportunities Associates L.P., HarbourVest IX-Credit Opportunities Associates LLC, HIPEP Associates, LLC, and HIPEP VII Secondary L.P., all of Boston, Massachusetts; and other affiliates;* to control directly or indirectly Carlile Bancshares, Inc., Fort Worth, Texas, and therefore, indirectly, NorthStar Bank of Texas, Denton, Texas, and NorthStar Bank of Colorado, Denver, Colorado.

Board of Governors of the Federal Reserve System, February 16, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–03500 Filed 2–19–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 18, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Calumet Bancorporation, Inc.,* Chilton, Wisconsin; to merge with Calumet Bancshares, Inc., and thereby indirectly acquire Calumet County Bank, both in Brillion, Wisconsin.

Board of Governors of the Federal Reserve System, February 17, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–03568 Filed 2–19–16; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0246; Docket 2015–0001; Sequence 16]

General Services Administration Regulation; Submission for OMB Review; Packing List Clause

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for an extension of an information collection requirement for an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding the packing list clause. A notice was published in the **Federal Register** at 80 FR 76021 on December 7, 2015. No comments were received.

DATES: Submit comments on or before: March 23, 2016.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0246, Packing List Clause''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0246, Packing List Clause'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–0246, Packing List Clause.

Instructions: Please submit comments only and cite Information Collection 3090–0246, Packing List Clause, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Janet Fry, Procurement Analyst, at telephone 703–605–3167 or via email at *janet.fry@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSAR clause 552.211–77, Packing List, requires a contractor to include a packing list or other suitable document that verifies placement of an order and identifies the items shipped. In addition to information contractors would normally include on packing lists, the identification of cardholder name, telephone number and the term ''Credit Card'' is required.

B. Annual Reporting Burdens

Respondents: 7,387.

Responses per Respondent: 27.

Total Annual Responses: 199,449.

Hours per Response: .05.

Total Burden Hours: 9,972.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, at 202–501–4755. Please cite OMB Control No. 3090–0246, Packing List Clause, in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2016–03560 Filed 2–19–16; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0094; Docket 2016–0053; Sequence 11]

Information Collection; Debarment and Suspension and Other Responsibility Matters

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning debarment and suspension. This request also incorporated two other related information collection requirements (''Information Regarding Responsibility Matters'' and ''Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification''), which will be cancelled upon approval of this clearance.

DATES: Submit comments on or before April 22, 2016.

ADDRESSES: Submit comments identified by Information Collection 9000–0094, Debarment and Suspension and Other Responsibility Matters, by any of the following methods:

Regulations.gov: http://www.regulations.gov.

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0094, Debarment and Suspension and Other Responsibility Matters''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0094, Debarment and Suspension and Other Responsibility Matters'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0094, Debarment and Suspension.

Instructions: Please submit comments only and cite Information Collection 9000–0094, Debarment and Suspension and Other Responsibility Matters, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, Office of Acquisition Policy, at 202–219–0202 or via email at *cecelia.davis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

1. Suspension and Debarment

The FAR requires contracts to be awarded to only those contractors determined to be responsible. Instances where a firm, its principals, or subcontractors, have been indicted, convicted, suspended, proposed for debarment, debarred, or had a contract terminated for default are critical factors to be considered by a Government contracting officer in making a responsibility determination. FAR 52.209–5 and 52.212–3(h), Certification Regarding Responsibility Matters, and FAR 52.209–6, Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment, require the disclosure of this and other information relating to responsibility.

2. Information Regarding Responsibility Matters (Transfer From OMB Clearance Number 9000–0174)

The Federal Awardee Performance and Integrity Information System (FAPIIS) was developed to meet the statutory requirement to develop and maintain an information system that contains specific information on the integrity and performance of covered Federal agency contractors and grantees. FAPIIS provides users access to integrity and performance information from the FAPIIS reporting module in the Contractor Performance Assessment Reporting System (CPARS), as well as proceedings information and suspension/debarment information from the Central Contractor Registration (CCR) and the Excluded Parties List System (EPLS) functions in the System for Award Management (SAM).

The prescription at FAR 9.104–7(b) requires contracting officers to insert the provision at 52.209–7, Information Regarding Responsibility Matters, in solicitations where the resultant contract value is expected to exceed $550,000. This provision contains a check box to be completed by the offeror indicating whether or not it has current active Federal contracts and grants with total value greater than $10,000,000. If the offeror indicated that it has current active Federal contracts and grants with total value greater than $10,000,000, then the offeror must enter certain responsibility information into FAPIIS.

FAR 52.209–9, Updates of Publicly Available Information Regarding Responsibility Matters, requires each contractor that checked in the provision at 52.209–7 that it has current active Federal contracts and grants with total value greater than $10,000,000, to update responsibility information in FAPIIS on a semiannual basis, throughout the life of the contract.

3. Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification (Transfer From OMB Clearance Number 9000–0190)

FAR 52.209–2 and 52.212–3(n), Prohibition on Contracting With Inverted Domestic Corporations—Representation, is prescribed at 9.108–5(a) for use in each solicitation for the acquisition of products and services (including construction). The provision requires each offeror to represent whether it is, or is not, an inverted domestic corporation or a subsidiary of an inverted domestic corporation.

FAR 52.209–10, Prohibition on Contracting With Inverted Domestic Corporations, is prescribed for use at FAR 9.108–5(b) for use in each solicitation and contract for the acquisition of products and services (including construction). This clause requires the contractor to promptly notify the contracting officer in the event the contractor becomes an inverted domestic corporation or a subsidiary of an inverted domestic corporation.

B. Annual Reporting and Recordkeeping Burden

1. Annual Reporting Burden

Respondents: 892,330.
Responses per Respondent: 1.35.
Total Annual Responses: 1,200,502.
Hours per Response: 0.34.
Total Burden Hours: 410,736.

2. Annual Recordkeeping Burden

Recordkeepers: 5,080.

Hours per Recordkeeper: 100.

Total Annual Recordkeeping hours: 508,000.

C. Public Comment

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0094, Debarment and Suspension and Other Responsibility Matters, in all correspondence.

Dated: February 17, 2016.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2016–03579 Filed 2–19–16; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Disaster Information Collection Form.

OMB No.: 0970–NEW.

Description: This is a request by the Administration for Children and Families (ACF) for a generic clearance for the Disaster Information Collection Form. An approval for a generic clearance is being requested because each of the thirteen program offices within ACF has a slightly different need for information about program impact information collection during a disaster.

ACF oversees more than 60 programs that affect the normal day to day operations of families, children, individuals and communities in the United States. Many of these programs encourage grantees or state administrators to develop emergency preparedness plans, but do not have statutory authority to require these plans be in place. ACF facilitates the inclusion of emergency preparedness planning and training efforts for ACF programs.

Presidential Policy Directive-8 (PPD–8) provides federal guidance and planning procedures under established phases—protection, preparedness, response, recovery, and mitigation. The Disaster Information Collection Forms addressed in this clearance process provide assessment of ACF programs in disaster response, and recovery.

ACF/Office of Human Services Emergency Preparedness and Response (OHSEPR) has a requirement under PPD–8, the National Response Framework, and the National Disaster Recovery Framework to report disaster impacts to ACF-supported human services programs to the HHS Secretary's Operation Center (SOC) and interagency partners. ACF/OHSEPR works in partnership with the Assistant Secretary for Preparedness and Response (ASPR), and the Federal Emergency Management Agency (FEMA) to report assessments of disaster impacted ACF programs and the status of continuity of services and recovery.

Respondents: State administrators, and/or ACF grantees.

ANNUAL BURDEN ESTIMATES

[The burden cap for the Disaster Information Collection Form is estimated based on a single disaster per year. The estimate is for approximately 10 state administrators, or grantees to go through all of the applicable questions with the Regional and Central Office staff. Some ACF programs have more questions and may have more respondents.]

Instrument	Number of respondents	Number of responses per respondent	Burden hours per response	Total burden hours
Disaster Information Collection Form	10	15	0.08 hours (5 minutes)	1.25 hours (75 minutes).

An estimate of the number of disasters that would warrant data collection is difficult to calculate due to the unpredictable nature of disasters. For example, in 2012, there were 95 disasters nationwide but OHSEPR did not collect data on all of them because they had minimal effects on ACF programs.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV.*

Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2016–03455 Filed 2–19–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Guidance for Tribal TANF.

OMB No.: 0970–0157.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act) requires each Indian Tribe that elects to administer and operate a TANF program to submit a TANF Tribal Plan. The TANF Tribal Plan is a mandatory statement submitted to the Secretary by the Indian Tribe, which consists of an outline of how the Indian Tribes TANF program will be administered and operated. It is used by the Secretary to determine whether the plan is approvable and to determine that the Indian Tribe is eligible to receive a TANF assistance grant. It is also made available to the public.

Respondents: Indian Tribes applying to operate a TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for State Data Needed to Determine the Amount of a Tribal Family Assistance Grant	24	1	68	1632

Estimated Total Annual Burden Hours: 1632.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2016–03453 Filed 2–19–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–E–0934]

Determination of Regulatory Review Period for Purposes of Patent Extension; SUPERA PERIPHERAL STENT SYSTEM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for SUPERA PERIPHERAL STENT SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 22, 2016. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 22, 2016. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–E–0934 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; SUPERA PERIPHERAL STENT SYSTEM''. 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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993–0002, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device SUPERA PERIPHERAL STENT SYSTEM. SUPERA PERIPHERAL STENT SYSTEM is indicated to improve luminal diameter in the treatment of patients with symptomatic de novo or restenotic native lesions or occlusions of the superficial femoral artery and/or popliteal artery with reference vessel diameters of 4.0 to 6.5 millimeters (mm) and lesion lengths up to 140 mm. Subsequent to this approval, the USPTO received a patent term restoration application for SUPERA PERIPHERAL STENT SYSTEM (U.S. Patent No. 8,419,788) from IDEV Technologies Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 19, 2015, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of SUPERA PERIPHERAL STENT SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for SUPERA PERIPHERAL STENT SYSTEM is 1,894 days. Of this time, 1,396 days occurred during the testing phase of the regulatory review period, while 498 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* January 21, 2009. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the FD&C act for human tests to begin became effective January 21, 2009.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e):* November 16, 2012. The applicant claims November 9, 2012, as the date the premarket approval application (PMA) for SUPERA PERIPHERAL STENT SYSTEM (PMA P120020) was initially submitted. However, FDA records indicate that PMA P120020 was submitted on November 16, 2012.

3. *The date the application was approved:* March 28, 2014. FDA has verified the applicant's claim that PMA P120020 was approved on March 28, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 158 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and ask for a redetermination (see DATES). Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see DATES) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Petitions that have not been made publicly available on *http://*

www.regulations.gov may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–03542 Filed 2–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3655]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 23, 2016.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0658. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water—21 CFR 129.35(a)(3)(i), 129.80(g), and 129.80(h)—OMB Control Number 0910–0658—Extension

The bottled water regulations in parts 129 and 165 (21 CFR parts 129 and 165) require that if any coliform organisms are detected in weekly total coliform testing of finished bottled water, followup testing must be conducted to determine whether any of the coliform organisms are *Escherichia coli.* The adulteration provision of the bottled water standard (§ 165.110(d)) provides that a finished product that tests positive for *E. coli* will be deemed adulterated under section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(3)). In addition, the current good manufacturing practice (CGMP) regulations for bottled water in part 129 require that source water from other than a public water system (PWS) be tested at least weekly for total coliform. If any coliform organisms are detected in the source water, the bottled water manufacturers are required to determine whether any of the coliform organisms are *E. coli.* Source water found to contain *E. coli* is not considered water of a safe, sanitary quality and would be unsuitable for bottled water production. Before a bottler may use source water from a source that has tested positive for *E. coli*, a bottler must take appropriate measures to rectify or otherwise eliminate the cause of the contamination. A source previously found to contain *E. coli* will be considered negative for *E. coli* after five samples collected over a 24-hour period from the same sampling site are tested and found to be *E. coli* negative.

Description of Respondents: The respondents to this information collection are domestic and foreign bottled water manufacturers that sell bottled water in the United States.

In the **Federal Register** of October 19, 2015 (80 FR 63228) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section; Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
§ 129.35(a)(3)(i), § 129.80(h); Bottlers subject to source water and finished product testing.	319	6	1,914	0.08 (5 minutes)	153
§ 129.80(g), § 129.80(h); Bottlers testing finished product only	95	3	285	0.08 (5 minutes)	23
§ 129.35(a)(3)(i), § 129.80(h); Bottlers conducting secondary testing of source water.	3	5	15	0.08 (5 minutes)	1
§ 129.35(a)(3)(i), § 129.80(h); Bottlers rectifying contamination	3	3	9	0.25 (15 minutes)	2
Total Annual Burden					179

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The current CGMP regulations already reflect the time and associated recordkeeping costs for those bottlers that are required to conduct microbiological testing of their source water, as well as total coliform testing of their finished bottled water products. We therefore conclude that any additional burden and costs in recordkeeping based on followup testing that is required if any coliform organisms detected in the source water test positive for *E.coli* are negligible. We estimate that the labor burden of keeping records of each test is about 5 minutes per test. We also require followup testing of source water and finished bottled water products for *E. coli* when total coliform positives occur. We expect that 319 bottlers that use sources other than PWSs may find a total coliform positive sample about three times per year in source testing and about three times in finished product testing, for a total of 153 hours of recordkeeping. In addition to the 319 bottlers, about 95 bottlers that use PWSs

may find a total coliform positive sample about three times per year in finished product testing, for a total of 23 hours of recordkeeping. Upon finding a total coliform sample, bottlers will then have to conduct a followup test for *E. coli.*

We expect that recordkeeping for the followup test for *E. coli* will also take about 5 minutes per test. As shown in table 1 of this document, we expect that three bottlers per year will have to carry out the additional *E. coli* testing, with a burden of 1 hour. These bottlers will also have to keep records about rectifying the source contamination, for a burden of 2 hours. For all expected total coliform testing, *E. coli* testing, and source rectification, we estimate a total burden of 179 hours. We base our estimate on our experience with the current CGMP regulations.

Dated: February 16, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–03549 Filed 2–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Nonprescription 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: Nonprescription 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 15, 2016, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, Grand Ballroom, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900.

Contact Person: Moon Hee V. Choi, 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, *NDAC@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 data submitted by Galderma Laboratories, L.P. to support supplemental new drug application (sNDA) 20–380, for over-the-counter (OTC) marketing of adapalene gel 0.1%. The proposed OTC use is for the treatment of acne and to clear up acne pimples and acne blemishes. The applicant proposes to label the product for 12 years and older. The committee will be asked to consider whether data support an acceptable risk/benefit profile for the nonprescription use of adapalene gel 0.1% by OTC consumers.

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 April 1, 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 24, 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 25, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Moon Hee V. Choi 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 17, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–03573 Filed 2–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–E–2346]

Determination of Regulatory Review Period for Purposes of Patent Extension; BREO ELLIPTA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for BREO ELLIPTA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic

or written comments and ask for a redetermination by April 22, 2016. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 22, 2016. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–E–2346 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BREO ELLIPTA.'' 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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product BREO ELLIPTA (vilanterol trifenate; fluticasone furoate). BREO ELLIPTA is indicated for long-term, once-daily maintenance treatment of airflow obstruction and for reducing exacerbations in patients with chronic obstructive pulmonary disease. Subsequent to this approval, the USPTO received a patent term restoration application for BREO ELLIPTA (U.S. Patent No. 7,439,393) from Glaxo Group Limited, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 19, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of BREO ELLIPTA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BREO ELLIPTA is 1,980 days. Of this time, 1,677 days occurred during the testing phase of the regulatory review period, while 303 days occurred during the approval phase. These periods of

time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* December 10, 2007. The applicant claims June 26, 2008, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was December 10, 2007, which was 30 days after FDA receipt of the first IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* July 12, 2012. FDA has verified the applicant's claim that the new drug application (NDA) for BREO ELLIPTA (NDA 204275) was initially submitted on July 12, 2012.

3. *The date the application was approved:* May 10, 2013. FDA has verified the applicant's claim that NDA 204275 was approved on May 10, 2013.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 981 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and ask for a redetermination (see **DATES**). Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see **DATES**) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–03551 Filed 2–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0117]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims

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 the information collection associated with the guidance ''Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims,'' which is intended to assist applicants in developing labeling for outcome claims for drugs that are indicated to treat hypertension.

DATES: Submit either electronic or written comments on the collection of information by April 22, 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–2010–N–0117 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims.'' 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.

Guidance for Industry on Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims; OMB Control Number 0910–0670—Extension

This guidance is intended to assist applicants in developing labeling for outcome claims for drugs that are indicated to treat hypertension. With few exceptions, current labeling for antihypertensive drugs includes only the information that these drugs are indicated to reduce blood pressure; the labeling does not include information on the clinical benefits related to cardiovascular outcomes expected from such blood pressure reduction. However, blood pressure control is well established as beneficial in preventing serious cardiovascular events, and inadequate treatment of hypertension is acknowledged as a significant public health problem. FDA believes that the appropriate use of these drugs can be encouraged by making the connection between lower blood pressure and improved cardiovascular outcomes more explicit in labeling. The intent of the guidance is to provide common labeling for antihypertensive drugs except where differences are clearly supported by clinical data. The guidance encourages applicants to submit labeling supplements containing the new language.

The guidance contains two provisions that are subject to OMB review and approval under the PRA and one provision that would be exempt from OMB review:

1. Section IV.C of the guidance requests that the CLINICAL STUDIES section of the Full Prescribing Information of the labeling should include a summary of placebo or active-controlled trials showing evidence of the specific drug's effectiveness in lowering blood pressure. If trials demonstrating cardiovascular outcome benefits exist, those trials also should be summarized in this section. Table 1 in Section V of the guidance contains the specific drugs for which FDA has concluded that such trials exist. If there are no cardiovascular outcome data to cite, one of the following two paragraphs should appear:

''There are no trials of [DRUGNAME] or members of the [name of pharmacologic class] pharmacologic class demonstrating reductions in cardiovascular risk in patients with hypertension,'' or ''There are no trials of [DRUGNAME] demonstrating reductions in cardiovascular risk in patients with hypertension, but at least one pharmacologically similar drug has demonstrated such benefits.''

In the latter case, the applicant's submission generally should refer to table 1 in section V of the guidance. If the applicant believes that table 1 is incomplete, it should submit the clinical evidence for the additional information to Docket No. FDA–2008–D–0150. The labeling submission should reference the submission to the docket. FDA estimates that no more than one submission to the docket will be made annually from one company, and that each submission will take approximately 10 hours to prepare and submit. Concerning the recommendations for the CLINICAL STUDIES section of the Full Prescribing Information of the labeling, FDA regulations at §§ 201.56 and 201.57 (21 CFR 201.56 and 201.57) require such labeling, and the information collection associated with these regulations is approved by OMB under OMB control number 0910–0572.

2. Section VI.B of the guidance requests that the format of cardiovascular outcome claim prior approval supplements submitted to FDA under the guidance should include the following information:

- A statement that the submission is a cardiovascular outcome claim supplement, with reference to the guidance and related Docket No. FDA–2008–D–0150.
- Applicable FDA forms (*e.g.,* 356h, 3397).
- Detailed table of contents.
- Revised labeling to:
  - Include draft revised labeling conforming to the requirements in §§ 201.56 and 201.57 and
  - include marked-up copy of the latest approved labeling, showing all additions and deletions, with annotations of where supporting data (if applicable) are located in the submission.

FDA estimates that approximately 1 cardiovascular outcome claim supplement will be submitted annually from approximately 1 different companies, and that each supplement will take approximately 20 hours to prepare and submit. The guidance also recommends that other labeling changes (*e.g.,* the addition of adverse event data) should be minimized and provided in separate supplements, and that the revision of labeling to conform to §§ 201.56 and 201.57 may require

substantial revision to the ADVERSE REACTIONS or other labeling sections.

3. Section VI.C of the guidance states that applicants are encouraged to include the following statement in promotional materials for the drug.

''[DRUGNAME] reduces blood pressure, which reduces the risk of fatal and nonfatal cardiovascular events, primarily strokes and myocardial infarctions. Control of high blood pressure should be part of comprehensive cardiovascular risk management, including, as appropriate, lipid control, diabetes management, antithrombotic therapy, smoking cessation, exercise, and limited sodium intake. Many patients will require more than one drug to achieve blood pressure goals.''

The inclusion of this statement in the promotional materials for the drug would be exempt from OMB review based on 5 CFR 1320.3(c)(2), which states that the public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within the definition of collection of information.

FDA requests public comments on the information collection provisions described set forth in the following table:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours
Submission to Docket No. FDA–2008–D–0150	1	1	1	10	10
Cardiovascular Outcome Claim Supplement Submission	1	1	1	20	20
Total					30

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: February 16, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–03543 Filed 2–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Production of Attenuated Respiratory Syncytial Virus Vaccines

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), Department of Health and Human Services (HHS), is contemplating the grant of a an exclusive license to practice the following invention as embodied in the following patent applications: (1) E–194–1999/0, Collins et al., ''Production of Attenuated Respiratory Syncytial Virus Vaccines Involving Modification of M2 ORF2'', U.S. Provisional Patent Application Number 60/143,097, filed July 9, 1999, PCT Patent Application Number PCT/US2000/18534, filed July 7, 2000, U.S. Patent Application Number 09/611,829 (now U.S. Patent Number 6,713,066), and U.S. Patent Application Number 11/011,502 (now U.S. Patent Number 7,485,440), (2) E–135–2010/0, Collins et al., ''Genetically Stable Live Attenuated Vaccine for Respiratory Syncytial Virus (RSV) with an Attenuation and Temperature Sensitive Phenotype Conferred by an Amino Acid Deletion'', U.S. Provisional Patent Application Number 61/624,010, filed April 13, 2012, PCT Patent Application Number PCT/US2013/030836, filed March 13, 2013, United States Patent Application Number 14/394,226, filed October 13, 2014, European Patent Application Number 13712641.3, filed March 13, 2013, (3) E–216–2014/0, Collins et al., ''Versions of Respiratory Syncytial Virus (RSV) Vaccine Candidate LID Delta M2–2 with Increased Attenuation'', U.S. Provisional Patent Application Number 62/266,199, filed December 11, 2015, (4) E–241–2014/0, Collins et al., ''Improved RSV F Protein for Expression from a Heterologous Vector'', U.S. Provisional Patent Application Number 62/105,667, filed January 20, 2015, PCT Patent Application Number PCT/US2016/014154, filed January 20, 2016, and (5) E–037–2016/0, Collins et al., ''Attenuated RSV Vaccine Strains in which the NS1 and/or NS2 Genes have been Shifted to Promoter-Distal Positions'', U.S. Provisional Patent Application Number 62/266,206, filed December 11, 2015, to Sanofi Pasteur, Inc., having a place of business in Swiftwater, Pennsylvania, U.S.A. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the National Institute of Allergy and Infectious Diseases, Technology Transfer and Intellectual Property Office on or before March 8, 2016. will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Peter Soukas, Senior Technology Licensing Specialist, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Suite 6D, Rockville, MD 20852–9804, Tel: (301) 594–8730 or email: *ps193c@nih.gov.*

SUPPLEMENTARY INFORMATION:

Respiratory syncytial virus (RSV) is the most important cause of viral acute lower respiratory infection (ALRI) in infants and children worldwide and is responsible for over 30 million new ALRI episodes worldwide and up to 199,000 deaths in children under five (5) years old. In the United States, the virus infects nearly all children at least once by the age of two (2) and is the most common cause of bronchiolitis and infant pneumonia, causing up to 125,000 hospitalizations of children each year. RSV disease burden is less understood in the developing world, but available data indicates that the virus causes a significant proportion of childhood ALRI in these parts of the world, particularly in the first months of life. The drug palivizumab (Synagis) can help prevent RSV disease in high risk infants, but it cannot treat or cure already-serious RSV infection. No vaccine exists today to prevent RSV due to an incomplete understanding of the body's immune response to the virus, which has challenged and delayed RSV vaccine development efforts.

The methods and compositions of this invention provide a means for

prevention of RSV and/or parainfluenza virus (PIV) infection by immunization with live attenuated, immunogenic viral vaccines against RSV and/or PIV.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

The field of use may be limited to live attenuated vaccines against respiratory syncytial virus (RSV) and/or parainfluenza virus (PIV) infections in humans.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 16, 2016.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, NIAID.

[FR Doc. 2016–03486 Filed 2–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Cooperative Hematology Specialized Core Centers.

Date: March 14–15, 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: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Mouse Metabolic Phenotyping Centers Consortium.

Date: March 14–15, 2016.

Time: 8:00 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: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R24 Molecular Basis of Diabetic Complications.

Date: March 23, 2016.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To provide concept review of proposed grant applications.

Place: National Institutes of Health, Building 38, 8600 Rockville Pike, Bethesda, MD 20892.

Contact Person: Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–4721, *rw175w@nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Ancillary Studies (R01).

Date: March 24, 2016.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies in Liver Diseases.

Date: April 4, 2016.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R24 Review.

Date: April 8, 2016.

Time: 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707, Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 16, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–03509 Filed 2–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: March 1–3, 2016.

Open: March 01, 2016, 4:00 p.m. to 4:30 p.m.

Agenda: To review policy and procedures.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 01, 2016, 4:30 p.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 02, 2016, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 03, 2016, 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: March 9–11, 2016.

Open: March 09, 2016, 6:00 p.m. to 6:30 p.m.

Agenda: To review policy and procedures.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 09, 2016, 6:30 p.m. to 9:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 10, 2016, 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 11, 2016, 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, *rw175w@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: March 10–11, 2016.

Open: March 10, 2016, 8:00 a.m. to 8:30 a.m.

Agenda: To review policy and procedures.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 10, 2016, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 11, 2016, 8:00 a.m. to 12:00 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: John F. Connaughton, Ph.D., Chief, Chartered Committees Section, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 16, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–03512 Filed 2–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel, Conference Grant Special Emphasis Panel.

Date: February 29, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Deborah Ismond, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 402–1366, *ismonddr@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: February 16, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–03511 Filed 2–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Building Population Health Research Capacity in the U.S. Affiliated Pacific Island (U24).

Date: March 8, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xinli Nan, Ph.D., Scientific Review Officer, National Institute on

Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 594–7784, *Xinli.Nan@nih.gov.*

Dated: February 16, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–03510 Filed 2–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0063]

Agency Information Collection Activities: Petroleum Refineries in Foreign Trade Sub-Zones

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Petroleum Refineries in Foreign Trade Sub-zones. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before March 23, 2016 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 63239) on October 19, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Petroleum Refineries in Foreign Trade Sub-Zones.

OMB Number: 1651–0063.

Abstract: The Foreign Trade Zones Act, 19 U.S.C. 81c(d) contains specific provisions for petroleum refinery sub-zones. It permits refiners and CBP to assess the relative value of such products at the end of the manufacturing period during which these products were produced when the actual quantities of these products resulting from the refining process can be measured with certainty.

19 CFR 146.4(d) provides that the operator of the refinery sub-zone is required to retain all records relating to the above mentioned activities for five years after the merchandise is removed from the sub-zone. Further, the records shall be readily available for CBP review at the sub-zone.

Instructions on compliance with these record keeping provisions are available in the Foreign Trade Zone Manual which is accessible at: *http://www.cbp.gov/document/guides/foreign-trade-zones-manual.*

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 81.

Estimated Number of Total Annual Responses: 81.

Estimated Time per Response: 1000 hours.

Estimated Total Annual Burden Hours: 81,000.

Dated: February 17, 2016.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2016–03602 Filed 2–19–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0011]

Agency Information Collection Activities: Declaration for Free Entry of Returned American Products

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Declaration for Free Entry of Returned American Products (CBP Form 3311). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before March 23, 2016 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs

and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 68327) on November 4, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Declaration of Free Entry of Returned American Products.

OMB Number: 1651–0011.

Form Number: CBP Form 3311.

Abstract: CBP Form 3311, *Declaration for Free Entry of Returned American Products,* is used by importers and their agents when duty-free entry is claimed for a shipment of returned American products under the Harmonized Tariff Schedules of the United States. This form serves as a declaration that the goods are American made and that they have not been advanced in value or improved in condition while abroad; were not previously entered under a temporary importation under bond provision; and that drawback was never claimed and/or paid. CBP Form 3311 is authorized by 19 CFR 10.1, 10.66, 10.67, 12.41, 123.4, and 143.23 and is accessible at: *http://www.cbp.gov/newsroom/publications/forms?title=3311&=Apply.*

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected on Form 3311.

Type of Review: Extension (with no change).

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Number of Responses per Respondent: 35.

Estimated Number of Total Annual Responses: 420,000.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 42,000.

Dated: February 17, 2016.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2016–03601 Filed 2–19–16; 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 September 23, 2015.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on September 23, 2015. The next triennial inspection date will be scheduled for September 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, 2800–B Loop 197 South, Texas City, TX 77590, 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.
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
27–03	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.
27–05	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.

CBPL No.	ASTM	Title
27–14	D2622	Standard Test Method for Sulfur in Petroleum Products.
27–46	D5002	Density of Crude Oils by Digital Density Meter.
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.

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 16, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–03553 Filed 2–19–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Data Protection Software Products

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain data protection software products. Based upon the facts presented, CBP has concluded that the country of origin of the software products is the United States for purposes of U.S. Government procurement.

DATES: The final determination was issued on February 12, 2016. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination no later than March 23, 2016.

FOR FURTHER INFORMATION CONTACT: Ross Cunningham, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202) 325–0034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 12, 2016, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain data protection software products known as WebALARM, WebALARM [Embedded], TheGRID Basic, and TheGrid Beacon, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H268858, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the processing in the United States results in a substantial transformation. Therefore, the country of origin of the software products is the United States for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: February 12, 2016.

Joanne Roman Stump,

Acting Executive Director, Regulations and Rulings, Office of International Trade.

Attachment

HQ H268858

February 12, 2016

OT:RR:CTF:VS H268858 RMC

CATEGORY: Country of Origin

Dan Minutillo
Minutillo: A Law Corporation
841 Blossom Hill Road
Second Floor
P.O. Box 20698
San Jose, CA 95160

Re: U.S. Government Procurement; Country of Origin of Data Protection Software; Substantial Transformation

Dear Mr. Minutillo:

This is in response to your letter dated August 18, 2015, requesting a final determination on behalf of e-Lock Corporation (''e-Lock'') pursuant to Subpart B of Part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 C.F.R. part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (''TAA''), as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or for products offered for sale to the U.S. Government. This final determination concerns the country of origin of four data-protection software products. As a U.S. importer, e-Lock is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

E-Lock is a Malaysia based developer of cyber-security software that helps to prevent identity theft and threats to data integrity. This request concerns four software products that e-Lock wishes to offer for sale to the federal government: (1) WebALARM; (2) WebALARM [Embedded]; (3) TheGRID Basic; and (4) TheGRID Beacon. The WebALARM products are designed to protect files and data from unauthorized changes. The two products are similar except that WebALARM [Embedded] is embedded to become part of an integrated security package. TheGRID products provide user-identification and authentication functionality and are designed to protect against online theft by providing two-factor authentication and optional mutual authentication. The two products are similar except that TheGRID Beacon is designed for mobile applications.

All four software products are produced using the same three-step

process that essentially involves: (1) Writing the source code in Malaysia; (2) compiling the source code into usable object code in the United States; and (3) installing the finished software on U.S.-origin discs in the United States.

In a submission dated October 15, 2015, e-Lock provided additional information on the processes involved in creating source code and compiling it into object code in steps (1) and (2).

1. Writing e-Lock Source Code

a. Creating new source code project in e-Lock's source code repository server;

b. Using tools like Microsoft Visual Studio, Android Studio, Eclipse, Xcode, and Text Editors, e-Lock's software programmer starts writing computer code in C++, Java, and Objective-C languages;

c. Designing graphical layout using Visual Studio, Android Studio, or Xcode; and

d. (b) and (c) above are prepared and checked into source code repository server.

2. Compiling e-Lock Source Code into Object Code

a. The software builder signs into the continuous integration (''CI'') server and performs a ''build'' action;

b. The CI server immediately checks out the latest version of source code from the repository server and performs compilation process;

c. Source code is then compiled into machine code for each relevant platform on Windows, Linux, Android, and iOs;

d. Incompatibilities or errors during compilation are handed; and

e. Source code is verified or rectified as needed.

After e-Lock's engineers compile the source code into object code in the United States, the continuous integration server automatically constructs installation packages for testing and executable files for various platforms. Finally, a plan for testing is developed and engineers perform software testing, unit and/or integration testing, regressions and/or performance testing, and acceptance testing. If the code passes the tests described above, the software-development phase is complete.

E-Lock also provided information on the costs and time associated with writing the source code in Malaysia and compiling the object code in the United States. E-Lock also noted that U.S.-based subcontracts and personnel install, distribute, and provide technical support for the finished products after sale.

E-Lock argues that the Malaysian source code is substantially transformed when it is compiled into usable object code in the United States and that the country of origin for government-procurement purposes is thus the United States.

ISSUE:

Whether the four software products are products of the United States for government-procurement purposes.

LAW & ANALYSIS:

Pursuant to Subpart B of Part 177, 19 C.F.R. § 177.21 et seq., which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Procurement Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. The Federal Procurement Regulations define ''U.S.-made end product'' as:

[A]n article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distin0ct from that of the article or articles from which it was transformed.

See 48 C.F.R. § 25.403(c)(1).

The issue in this case is whether e-Lock's Malaysian-developed source code is substantially transformed in the United States when engineers compile it into object code and load it onto U.S.-origin disks. E-Lock argues that the source code is ''substantially different in nature, function, name and character than the final product after code compilation.'' Thus, according to e-Lock, the finished software is substantially transformed in the United States and the country of origin for government-procurement purposes is the United States.

The ''source code'' written in Malaysia and the ''object code'' compiled in the United States differ in several important ways. Source code is a ''computer program written in a high level human readable language.'' *See, e.g.*, Daniel S. Lin, Matthew Sag, and Ronald S. Laurie, *Source Code versus Object Code: Patent Implications for the Open Source Community,* 18 Santa Clara High Tech. L.J. 235, 238 (2001). While it is easier for humans to read and write programs in ''high level human readable languages,'' computers cannot execute these programs. *See* Note, *Copyright Protection of Computer Program Object Code*, 96 Harv. L. Rev. 1723, 1724 (1983). Computers can execute only ''object code,'' which is a program consisting of clusters of ''0'' and ''1'' symbols. *Id.* Programmers create object code from source code by feeding it into a program known as a ''compiler.'' *Id.* Thus, step (1), the writing of source code in Malaysia, involves the creation of computer instructions in a high level human readable language, whereas step (2), which is performed in the United States, involves the compilation of those instructions into a format that computers can execute.

CBP has consistently held that conducting a ''software build''—i.e., compiling source code into object code—results in a substantial transformation. *See, e.g.*, Headquarters Ruling (''HQ'') H192146, dated June 8, 2012 (holding that ''software is substantially transformed into a new article with a new name, character and use in the country where the software build is performed''). For example, e-Lock cites HQ H243606, dated Dec. 4, 2013, in which an importer developed DocAve Software, a comprehensive suite of applications for Microsoft SharePoint, in both the United States and China. While most of the source code was programmed in China, the source code was compiled into object code (i.e., ''built'') in the United States. CBP held that ''the software build performed in the U.S. substantially transforms the software modules developed in China and the U.S. into a new article with a new name, character and use . . .''. The country of origin of DocAve Software was thus the United States for purposes of U.S. Government procurement.

As in H192146 and H243606, e-Lock also conducts a software build in the United States. This process is sufficient to create a new article with a new name, character and use: the name of the product changes from source code to object code, the character changes from computer code to finished software, and the use changes from instructions to an executable program.

HOLDING:

The country of origin of the finished software products is the United States for purposes of government procurement.

Notice of this final determination will be given in the Federal Register, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the Federal Register Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Joanne Roman Stump
Acting Executive Director Regulations & Rulings
Office of International Trade

[FR Doc. 2016–03552 Filed 2–19–16; 8:45 am]

BILLING CODE 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 13, 2015.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on July 13, 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, 4117 Montgomery St., Savannah, GA 31405, 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.
9	Density Determinations.
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.
27–05	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.
27–20	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
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.

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 16, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–03557 Filed 2–19–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2016–0009]

Office of Chief Information Officer; Agency Information Collection Activities: REAL ID: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes

AGENCY: Office of the Secretary, DHS.

ACTION: 60-Day notice and request for comments; reinstatement with change, 1601–0005.

SUMMARY: The Department of Homeland Security, Office of the Secretary, will submit the following Information Collection Request (ICR) 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 April 22, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number 2016–0009, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: dhs.pra@hq.dhs.gov.* Please include docket number DHS–2016–0009 in the subject line of the message.

SUPPLEMENTARY INFORMATION: The REAL ID Act of 2005 (the Act) prohibits Federal agencies from accepting State-issued drivers' licenses or identification cards for any official purpose—defined by the Act and regulations as boarding commercial aircraft, accessing federal facilities, or entering nuclear power plants—unless the license or card is issued by a State that meets the requirements set forth in the Act. Title II of Division B of Public Law 109–13, codified at 49 U.S.C. 30301 note. The REAL ID regulations, which DHS issued in January 2008, establish the minimum standards that States must meet to comply with the Act. See 73 FR 5272, also 6 CFR part 37 (Jan. 29, 2008). These include requirements for presentation and verification of documents to establish identity and lawful status, standards for document issuance and security, and physical security requirements for drivers' license production facilities. For a State to achieve full compliance, the Department of Homeland Security (DHS) must make a final determination that the State has met the requirements contained in the regulations and is compliant with the Act. The regulations include new information reporting and record keeping requirements for States seeking a full compliance determination by DHS. As discussed in more detail below, States seeking DHS's full compliance determination must certify that they are meeting certain standards in the issuance of drivers' licenses and identification cards and submit security plans covering physical security of document production and storage facilities as well as security of personally identifiable information. 6 CFR 37.55(a). States also must conduct background checks and training for employees involved in the document production and issuance processes and retain and store applicant photographs and other source documents. 6 CFR 37.31 and 37.45. States must recertify compliance with REAL ID every three years on a rolling basis as determined by the Secretary of Homeland Security. 6 CFR 37.55.

Certification Process Generally—Section 202(a)(2) of the REAL ID Act requires the Secretary to determine whether a state is meeting its requirements, ''based on certifications made by the State to the Secretary.'' To assist DHS in making a final compliance determination, 37.55 of the rule requires the submission of the following materials: (1) A certification by the highest level Executive official in the State overseeing the DMV that the State has implemented a program for issuing driver's licenses and identification cards in compliance with the REAL ID Act; (2) A letter from the Attorney General of the State confirming the State has the legal authority to impose requirements necessary to meet the standards; (3) A description of a State's exceptions process to accept alternate documents to establish identity and lawful status and wavier process used when conducting background checks for individuals involved in the document production process; and (4) The State's security plan.

Additionally, after a final compliance determination by DHS, states must recertify compliance every three years on a rolling basis as determined by DHS. 6 CFR 37.55(b).

State REAL ID programs will be subject to DHS review to determine whether the State meets the requirements for compliance. States must cooperate with DHS's compliance review and provide any reasonable information requested by DHS relevant to determining compliance. Under the rule, DHS may inspect sites associated with the enrollment of applicants and the production, manufacture, personalization, and issuance of driver's licenses or identification cards. DHS also may conduct interviews of employees and contractors involved in the document issuance, verification, and production processes. 6 CFR 37.59(a).

Following a review of a State's certification package, DHS may make a preliminary determination that the State needs to take corrective actions to achieve full compliance. In such cases, a State may have to respond to DHS and explain the actions it took or plans to take to correct any deficiencies cited in the preliminary determination or alternatively, detail why the DHS preliminary determination is incorrect. 6 CFR 37.59(b).

Security Plans—In order for States to be in compliance with the Act, they must ensure the security of production facilities and materials and conduct background checks and fraudulent document training for employees involved in document issuance and production. REAL ID Act sec. 202(d)(7)–(9). The Act also requires compliant licenses and identification cards to include features to prevent tampering, counterfeiting, or duplication. REAL ID Act sec. 202(b). To document compliance with these requirements, the regulations require States to prepare a security plan and submit it as part of their certification package. 6 CFR 37.41. At a minimum, the security plan must address steps the State is taking to ensure: The physical security of production materials and storage and production facilities; security of personally identifiable information maintained at DMVs including a privacy policy and standards and procedures for document retention and destruction; document security features including a description of the use of biometrics and the technical standards used; facility access control including credentialing and background checks; fraudulent document and security awareness training; emergency response; internal audit controls; and an affirmation that the state possesses the authority and means to protect the confidentiality of REAL ID documents issued in support of criminal justice agencies or similar programs. The security plan also must include a report on card security and integrity.

Background checks and waiver process—Within its security plans, the rule requires States to outline their

approach to conducting background checks of certain DMV employees involved in the card production process. 6 CFR 37.45. Specifically, States are required to perform background checks on persons who are involved in the manufacture or production of REAL ID driver's licenses and identification cards, as well as on individuals who have the ability to affect the identity information that appears on the driver's license or identification card and on current employees who will be assigned to such positions. The background check must include a name-based and fingerprint-based criminal history records check, an employment eligibility check, and for newer employees a prior employment reference check. The regulation permits a State to establish procedures to allow for a waiver for certain background check requirements in cases, for example, where the employee has been arrested, but no final disposition of the matter has been reached.

Exceptions Process—Under the rule, a State DMV may choose to establish written, defined exceptions process for persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity and date of birth. 6 CFR 37.11(h). Alternative documents to demonstrate lawful status will only be allowed to demonstrate U.S. citizenship. The State must retain copies or images of the alternate documents accepted under the exceptions process and submit a report with a copy of the exceptions process as part of its certification package.

Recordkeeping—The rule requires States to maintain photographs of applicants and records of certain source documents. Paper or microfiche copies of these documents must be retained for a minimum of seven years. Digital images of these documents must be retained for a minimum of ten years. 6 CFR 37.31.

Extension Requests—Pursuant to § 37.63 of the Final Rule, States granted an initial extension may file a request for an additional extension. Subsequent extensions will be granted at the discretion of the Secretary.

The collection of the information will support the information needs of DHS in its efforts to determine State compliance with requirements for issuing REAL ID driver's licenses and identification cards. States may submit the required documents in any format that they choose. DHS has not defined specific format submission requirements for States. DHS will use all of the submitted documentation to evaluate State progress in implementing the requirements of the REAL ID Final Rule. DHS has used information provided under the current collection to grant extensions and track state progress.

Submission of the security plan helps to ensure the integrity of the license and identification card issuance and production process and outlines the measures taken to protect personal information collected, maintained, and used by State DMVs. Additionally, the collection will assist other Federal and State agencies conducting or assisting with necessary background and immigration checks for certain employees. The purpose of the name-based and fingerprint based CHRC requirement is to ensure the suitability and trustworthiness of individuals who have the ability to affect the identity information that appears on the license; have access to the production process; or who are involved in the manufacture or issuance of the licenses and identification cards.

In compliance with GPEA, States will be permitted to electronically submit the information for their security plans, certification packages, recertifications, extensions, and written exceptions processes. States will be permitted to submit electronic signatures but must keep the original signature on file. Additionally, because they contain sensitive security information (SSI), the security plans must be handled and protected in accordance with 49 CFR part 1520. 6 CFR 37.41(c). The final rule does not dictate how States must submit their employees' fingerprints to the FBI for background checks; however it is assumed States will do so via electronic means or another means determined by the FBI.

Information provided will be protected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, the Privacy Act of 1974, the Driver's Privacy Protection Act, as well as DHS's Privacy Impact Assessment for the REAL ID Act.

There have been no program changes or new requirements established as a result of this collection request. Extensions were covered in the initial request however it was incorrectly removed from the subsequent request.

The Office of Management and Budget is particularly interested in comments which:

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.

Analysis

Agency: Office of the Secretary, DHS.

Title: REAL ID: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes.

OMB Number: 1601–0005.

Frequency: Annually.

Affected Public: State, local, and tribal governments.

Number of Respondents: 56.

Estimated Time per Respondent: 1,178 hours.

Total Burden Hours: 446,246 hours.

Dated: February 12, 2016.

Carlene C. Ileto,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2016–03536 Filed 2–19–16; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Citizenship and Immigration Services Ombudsman; Agency Information Collection Activities: Office of the Citizenship and Immigration Services Ombudsman Customer Satisfaction and Needs Assessment Survey (Ombudsman Form DHS–NEW)

AGENCY: Office of the Citizenship and Immigration Services Ombudsman (CISOMB), DHS.

ACTION: 30-Day notice and request for comments; new collection, 1601–NEW.

SUMMARY: The Department of Homeland Security (DHS), Office of the Citizenship and Immigration Services Ombudsman (CISOMB), will submit the following Information Collection Request (ICR) 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). DHS previously published this information collection request (ICR) in the **Federal Register** on Monday, November 9, 2015 at 80 FR

69241 for a 60-day public comment period. One comment was received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 23, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: The Citizenship and Immigration Services Ombudsman (CISOMB) was created under sec. 452 of the Homeland Security Act of 2002 (Pub. L. 107–296) to: (1) Assist individuals and employers in resolving problems with the U.S. Citizenship and Immigration Services (USCIS); (2) identify areas in which individuals and employers have problems in dealing with USCIS; and (3) propose changes, to the extent possible, in the administrative practices of USCIS to mitigate problems. The information collected on this form will allow the CISOMB to obtain feedback from the general public to assess the needs of customers and to identify improvement opportunities for Ombudsman services. The data collection instrument does not solicit or collect Personally Identifiable Information (PII).

The use of this survey provides the most efficient means for collecting and processing the required data. In the future, the Ombudsman will employ the use of information technology in collecting and processing this information by offering the option to complete the survey online. Per PRA requirements, a fillable PDF version of the survey will continue to be provided on the Ombudsman's Web site. The survey can be completed in PDF format, and faxed or sent as an attachment by email or in paper format by regular mail to the Ombudsman's office at the address indicated on the survey. After approval of the survey detailed in this supporting statement, the online survey will be posted on the Ombudsman's Web site at *http://www.dhs.gov/topic/cis-ombudsman.*

The assurance of confidentiality provided to the respondents for this information collection is provided by: (a) The Ombudsman statute and mandate as established by Homeland Security Act sec. 452; (b) The Privacy Act of 1974; and (c) The DHS Privacy Office has reviewed the entire package of documents for this information collection. This collection is covered by a Privacy Threshold Assessment adjudicated by the DHS Privacy Office on March 26, 2015. The Ombudsman Customer Satisfaction and Needs Assessment Survey will be in compliance with all applicable DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, storage, and retrieval. The proposed public use data collection system is therefore intended to be distributed for public use primarily by electronic means with limited paper distribution and processing of paper forms.

The Ombudsman Customer Satisfaction and Needs Assessment Survey has been constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security and retrieval of information. In accordance with the Privacy Act of 1974, DHS is giving notice that it proposes to establish the DHS system of records notice titled, ''The Ombudsman Customer Satisfaction and Needs Assessment Survey System of Records.'' This system of records will continue to ensure the efficient and secure processing of information to aid the CISOMB in assessing the needs of customers to improve Ombudsman services and offer more efficient and effective alternatives. This system will be included in the DHS's inventory of record systems. This is a new collection.

The Office of Management and Budget is particularly interested in comments which:

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.

Analysis

Agency: Office of the Citizenship and Immigration Services Ombudsman, DHS.

Title: Agency Information Collection Activities: CISOMB Customer Satisfaction and Needs Assessment Survey.

OMB Number: 1601–NEW.

Frequency: On occasion.

Affected Public: Individuals and Households.

Number of Respondents: 8,800.

Estimated Time per Respondent: .5 hours.

Total Burden Hours: 4,400 hours.

Dated: February 12, 2016.

Carlene C. Ileto,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2016–03535 Filed 2–19–16; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2012–0015]

Agency Information Collection Activities: Submission for Review; Information Collection Request for the Department of Homeland Security (DHS), Science and Technology, Project 25 Compliance Assessment Program (P25 CAP)

AGENCY: Science and Technology Directorate, DHS.

ACTION: 30-Day notice and request for comment.

SUMMARY: The Department of Homeland Security (DHS) invites the general public to comment on updated data collection forms for DHS Science and Technology Directorate's Project 25 (P25) Compliance Assessment Program (CAP): Supplier's Declaration of Compliance (SDoC) (DHS Form 10044 (6/08)) and Summary Test Report (DHS Form 10056 (9/08)). The attacks of September 11, 2001, and the destruction of Hurricane Katrina made apparent the need for emergency response radio systems that can interoperate, regardless of which organization manufactured the equipment. In response, and per congressional direction, DHS and the National Institute of Standards and Technology (NIST) developed the P25 CAP to improve the emergency response community's confidence in purchasing land mobile radio (LMR) equipment built to P25 LMR standards. The P25 CAP establishes a process for ensuring

that equipment complies with P25 standards and is capable of interoperating across manufacturers. The Department of Homeland Security needs to collect essential information from manufacturers on their products that have met P25 standards as demonstrated through the P25 CAP. To meet this requirement, the P25 CAP has developed the SDoC form which will be filled out by equipment suppliers to formally declare equipment is compliant with P25. The Summary Test Report form also filled out by equipment suppliers collects the results of P25 testing to substantiate compliance with P25 Standards. The SDoC and STR templates will gather this information for all equipment providers in a consistent manner for ease of general public and the public safety/first responder community. In turn, the emergency response community will use this information to identify P25-compliant communications systems to facilitate interoperability and inform future aquisition. The P25 CAP Program Manager will perform a review to ensure the documentation is complete and accurate in accordance with the current P25 CAP processes and post it to *FirstResponder.gov.* This notice and request for comments is required by 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 23, 2016.

ADDRESSES: Interested persons are invited to submit comments, identified by docket number DHS–2012–0015 or the OMB Control Number 1640–0015, by the following method:

- Email: *Sridhar.Kowdley@hq.dhs.gov.* Please include docket number DHS–2012–0015 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Sridhar Kowdley (202) 254–8804 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The SDoC and Summary Test Report forms will be posted on the FirstResponder.gov Web site at *http://www.firstresponder.gov.* The forms will be available in Adobe PDF format. The supplier will complete the forms electronically. The completed forms may then be submitted via Internet to the *FirstResponder.gov* Web site.

The Department is committed to improving its information collection and urges all interested parties to suggest how these materials can further reduce burden while seeking necessary information under the Act.

DHS is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Renewal of information collection forms with updates.

(2) *Title of the Form/Collection:* Science and Technology, Project 25 (P25) Compliance Assessment Program (CAP).

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Department of Homeland Security, Science & Technology Directorate—(1) Supplier's Declaration of Compliance (SDoC) (DHS Form 10044 (6/08)) and (2) Summary Test Report (DHS Form 10056 (9/08)).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Businesses; the data will be gathered from manufacturers of radio systems who wish to declare that their products are compliant with P25 standards for radio systems.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. *Estimate of the total number of respondents:* 12.

b. *Estimate of number of responses per respondent:* 6.

c. *An estimate of the time for an average respondent to respond:* 4 burden hours (2 burden hours for each form).

d. *An estimate of the total public burden (in hours) associated with the collection:* 288 burden hours.

(6) The collection forms were updated since the 60-day notice printing.

Dated: February 2, 2016.

Rick Stevens,

Chief Information Officer for Science and Technology.

[FR Doc. 2016–03532 Filed 2–19–16; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2016–N013; FXES11120100000–167–FF01E00000]

Proposed Weyerhaeuser Company Safe Harbor Agreement for the Northern Spotted Owl and Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Weyerhaeuser Company for an Endangered Species Act (ESA) Enhancement of Survival Permit (Permit) for the federally threatened northern spotted owl. The Permit application includes a draft safe harbor agreement (SHA) addressing access to Weyerhaeuser Company lands for the survey and removal of barred owls as part of the Service's Barred Owl Removal Experiment (Experiment) in Lane County, Oregon. The Service also announces the availability of a draft environmental assessment (EA) that has been prepared in response to the Permit application in accordance with requirements of the National Environmental Policy Act (NEPA). We are making the Permit application, including the draft SHA and the draft EA, available for public review and comment.

DATES: To ensure consideration, written comments must be received from interested parties by March 23, 2016.

ADDRESSES: To request further information or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to the Weyerhaeuser Company draft SHA and draft EA.

- *Internet:* Documents may be viewed and downloaded on the Internet at *http://www.fws.gov/ofwo/.*
- *Email: barredowlsha@fws.gov.* Include ''Weyerhaeuser SHA'' in the subject line of the message.
- *U.S. Mail:* Betsy Glenn, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE. 98th Ave., Suite 100, Portland, OR 97266.

- *Fax:* 503–231–6195.
- *In-Person Drop-off, Viewing, or Pickup:* Call 503–231–6970 to make an appointment (necessary for viewing or pickup only) during regular business hours at the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE. 98th Ave., Suite 100, Portland, OR 97266. Written comments can be dropped off during regular business hours at the above address on or before the closing date of the public comment period (see **DATES**).

FOR FURTHER INFORMATION CONTACT: Betsy Glenn, U.S. Fish and Wildlife Service (see **ADDRESSES**), telephone 503–231–6970. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: The Weyerhaeuser Company has applied to the Service for a Permit under section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*). The Permit application includes a draft SHA. The Service has drafted an EA addressing the effects of the proposed Permit action on the human environment.

The SHA covers approximately 7,500 acres of forest lands owned by the Weyerhaeuser Company within the treatment portion of the Oregon Coast Ranges Study Area (Study Area) of the Experiment in Lane County, Oregon. The proposed term of the Permit and the SHA is 10 years. In return for permission to access their lands for barred owl surveys and removal in support of the Experiment, the Permit would authorize incidental take of the threatened northern spotted owl (*Strix occidentalis caurina*) as a result of forest management activities at currently unoccupied spotted owl sites if they become occupied during the term of the Permit.

Background

Under a SHA, participating landowners voluntarily undertake activities on their property to benefit species listed under the ESA (16 U.S.C. 1531 *et seq.*). SHAs, and the subsequent Permits that are issued to participating landowners pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation actions for federally listed species by assuring the landowners that they will not be subject to increased property use restrictions as a result of their conservation efforts. SHAs must provide a net conservation benefit for the covered species.

The assurances provided under a SHA allow the property owner to alter or modify the enrolled property to agreed-upon baseline conditions, even if such alteration or modification results in the incidental take of a listed species. The baseline conditions represent the existing levels of use of the property by species covered in the SHA. SHA assurances are contingent upon the property owner implementing covered activities in accordance with the terms of the Permit and the SHA. The SHA's net conservation benefits must be sufficient to contribute, either directly or indirectly, to the recovery of the covered listed species. Enrolled landowners may make lawful use of the enrolled property during the Permit term and may incidentally take the listed species named on the Permit provided that take does not modify the agreed-upon net conservation benefit to the species.

Application requirements and issuance criteria for Permits for SHAs are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22(c). The Service's Safe Harbor Policy (64 FR 32717, June 17, 1999) and the Safe Harbor Regulations (68 FR 53320, September 10, 2003; and 69 FR 24084, May 3, 2004) are available at *http://www.fws.gov/endangered/laws-policies/regulations-and-policies.html.*

Weyerhaeuser's Safe Harbor Agreement

The Weyerhaeuser Company submitted an application for a Permit under the ESA to authorize incidental take of the federally threatened northern spotted owl. The Permit application includes a draft SHA between Weyerhaeuser Company and the Service. The SHA addresses access to support the Experiment (USFWS 2013a) in the Study Area in Lane County, Oregon.

The SHA covers Weyerhaeuser Company lands within the treatment portion of the Study Area. The treatment area is composed of lands owned by many different landowners, including 58 percent Federal lands, 13 percent State lands, and 29 percent private lands. This is the focus of the SHA because this is the area where the removal of barred owls under the Experiment may lead to re-occupancy of sites that are not currently occupied by spotted owls. If barred owl removal leads to the re-occupancy of sites by spotted owls in the absence of this Permit, some restrictions or limitations on forest management activities could occur.

Activities covered under the SHA are forest management activities including but not limited to road use, road construction, road maintenance and the normal management activities associated with managing private forestland for timber production such as timber harvest, planting, spraying, fertilizing, monitoring, measuring, patrolling and fighting wildfire.

The goal of Weyerhaeuser Company is to manage their timberlands for timber production providing economic, community and stewardship values on a long-term sustained-yield basis while meeting State and Federal regulatory requirements. The Weyerhaeuser Company lands within the Study Area are an important part the company's overall operating plans from both a short-term and long-term perspective. The Weyerhaeuser Company is anticipating significant changes and fluctuations in spotted owl occupancy of well-surveyed sites and areas on or near Weyerhaeuser Company lands in the treatment area after barred owl removal occurs, and potential short-term regulatory impacts to operation plans after barred owl removal in the treatment area occurs.

The purpose of the Weyerhaeuser Company's participation in the Experiment is to demonstrate cooperation with the Service regarding this recovery action while being held harmless and, to the maximum extent allowable under the ESA, ensuring that adjacent landowners are held harmless, by maintaining a reasonable level of certainty regarding the anticipated biological response and subsequent regulatory requirements impacting both forest operations and management during and after the experiment period.

To support the Experiment, the Weyerhaeuser Company will provide researchers access to Weyerhaeuser Company lands to survey for barred owls throughout the Study Area and to remove barred owls located on Weyerhaeuser Company lands within the treatment portion of the Study Area. In addition, the Weyerhaeuser Company will maintain habitat to support actively nesting spotted owls on any reoccupied sites during the nesting season.

The Service's Proposed Action

The Service proposes to enter into the SHA and to issue a Permit to the Weyerhaeuser Company for incidental take of the northern spotted owl caused by covered activities, if Permit issuance criteria are met. The Permit would have a term of 10 years.

Monitoring of spotted owls on Weyerhaeuser Company lands as part of the ongoing spotted owl surveys conducted under the Northwest Forest Plan Monitoring program has yielded a good dataset that may be included in the SHA to establish a baseline for the estimated current occupancy status of

each spotted owl site. Any spotted owl sites with a response from at least one resident spotted owl between 2013 and present are considered in the baseline of the SHA. Based on this approach, there are 10 baseline spotted owl sites in the treatment portion of the Oregon Coast Ranges Study Area where Weyerhaeuser Company owns land or has operations, easements or agreements.

The conservation benefits for the northern spotted owl under the SHA arise from the Weyerhaeuser Company contribution to a successful Experiment, specifically as it informs future recovery of the spotted owl. This is accomplished by Weyerhaeuser Company allowing access to their roads and lands for barred owl surveys and, within the treatment area, barred owl removal. In the Study Area landscape of multiple landowners, access to interspersed non-Federal roads and lands for barred owl surveys and, within the treatment area, barred owl removal is important to the efficient and effective completion of the Experiment.

The impact of the increase in non-native barred owl populations as they expand into the range of the spotted owl has been identified as one of the primary threats to the continued existence of the spotted owl. The Recovery Plan for the Northern Spotted Owl includes Recovery Action 29—''Design and implement large-scale control experiments to assess the effects of barred owl removal on spotted owl site occupancy, reproduction, and survival'' (USFWS 2011, p. III–65). The Service developed the Experiment to implement this Recovery Action, and completed an EIS and ROD addressing the Experiment in 2013 (USFWS 2013a and b). The Experiment is being conducted on four study areas, including the Oregon Coast Ranges Study Area. Timely results from the Experiment are crucial for informing the development of a long-term barred owl management strategy that is essential to the conservation of the northern spotted owl.

While the Study Area is focused on Federal lands, it still contains significant interspersed non-Federal lands. To complete the Experiment in the most efficient and complete manner, the Service requires access on non-public roads and the ability to remove barred owls on the non-Federal lands within the treatment area. While the Experiment is possible without access to non-Federal lands, failure to remove barred owls from portions of the treatment area could reduce the power of the Experiment to detect any changes in spotted owl population dynamics resulting from the removal of barred owls and potentially extend the duration of the Experiment. The Service has repeatedly indicated the need to gather this information in a timely manner. Failure to access non-Federal lands could delay the results.

Incidental take of spotted owls under this SHA would likely be in the form of harm from forest operation activities that result in habitat degradation, or harassment from forest management activities that cause disturbance to spotted owls. Incidental take in the form of harassment by disturbance is most likely to occur near former spotted owl nest sites if they become reoccupied. Harm and harassment could occur during timber operations and management that will continue during the Permit term. The Weyerhaeuser Company will perform routine harvest, road maintenance and construction activities, including rock pit development, spraying and fertilization that may disturb spotted owls.

Net Conservation Benefits to the Northern Spotted Owl

The Weyerhaeuser Company owns lands in the treatment portion of the Oregon Coast Ranges Study Area. Access to the Weyerhaeuser Company lands is important to the efficient and effective completion of the Experiment within a reasonable timeframe. All of the currently occupied spotted owl sites are within the baseline and no take of these sites is authorized under this SHA. If barred owl removal does allow spotted owls to re-occupy sites that are not currently occupied (non-baseline), the Weyerhaeuser Company will be allowed to incidentally take these spotted owls. It is highly unlikely that these sites would ever be re-occupied by spotted owls without the removal of barred owls.

The removal of barred owls on the Study Area will end within 10 years. The Service anticipates that, once released from the removal pressure, barred owl populations will rebound to pre-treatment levels within 3 to 5 years. This is likely to result in the loss of the newly re-occupied spotted owl sites. Therefore, any spotted owl occupancy of these sites is likely to be temporary and short- term.

The SHA allows for the take of spotted owls on 16 non-baseline sites in the treatment area of the Study Area if these sites become reoccupied during the barred owl removal study. Take of non-baseline owl sites that may be reoccupied can result from disturbance from forest management activities or habitat loss. For 7 of the 16 sites, take is anticipated primarily from disturbance. Take resulting from disturbance is temporary, short-term, and only likely to occur if activities occur very close to nesting spotted owls. None of the 48 historic spotted owl site centers in the treatment area occur on Weyerhaeuser Company lands, and only 3 site centers are close enough that forest management activities on Weyerhaeuser Company lands could result in some disturbance of the sites if these site centers were reoccupied.

For the remaining 9 sites, take of spotted owls may occur as a result of disturbance or habitat removal if these sites become re-occupied by spotted owls during the Experiment. Loss of habitat has longer term effects, and the degree to which it may affect the study depends on the amount of potential habitat loss compared to the condition of the spotted owl site. The Weyerhaeuser Company is a minor owner on seven of these sites with less than 10 percent of the land ownership and less than 5 percent of the remaining suitable habitat on these seven sites. Federal lands contain the majority of the remaining suitable spotted owl habitat on these seven sites. Thus, even if all non-baseline spotted owl sites are re-occupied by spotted owls, and the Weyerhaeuser Company removed all spotted owl habitat remaining on their lands within these sites under their Permit, many of these sites are likely to remain viable at some level as a result of habitat remaining on adjacent ownerships.

The primary conservation value of the Barred Owl Removal Experiment is the information it provides on the efficacy of removal as a tool to manage barred owl populations for the conservation of the spotted owl. This information is crucial to the development of a long-term barred owl management strategy that is essential to the conservation of the northern spotted owl. In this landscape of multiple landowners that exists within the Study Area, access to interspersed non-Federal lands is important to the efficient and effective completion of the Barred Owl Removal Experiment within a reasonable timeframe. Under the Weyerhaeuser Company SHA, researchers would have access to their roads and lands for barred owl surveys and, within the treatment area, barred owl removal. This access contributes significantly to the conservation value of the Experiment. Thus, the take of spotted owls on the temporarily reoccupied sites is more than offset by the value of the information gained from the experiment and its potential contribution to the timely development of a long-term barred owl management strategy. For these reasons, the Service finds this

SHA advances the recovery of the spotted owl.

National Environmental Policy Act Compliance

The development of the draft SHA and the proposed issuance of a Permit is a Federal action that triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA). We have prepared a draft EA to analyze the impacts of Permit issuance and implementation of the SHA on the human environment in comparison to the no-action alternative.

Public Comments

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section above. We request data, new information, or suggestions from the public, other concerned governmental agencies, Tribes, the scientific community, industry, or any other interested party on our proposed Federal action. In particular, we request information and comments regarding the following issues:

1. The direct, indirect, and cumulative effects that implementation of the SHA could have on endangered and threatened species;
2. Other reasonable alternatives consistent with the purpose of the proposed SHA as described above, and their associated effects;
3. Measures that would minimize and mitigate potentially adverse effects of the proposed action;
4. Identification of any impacts on the human environment that should have been analyzed in the draft EA pursuant to NEPA;
5. Other plans or projects that might be relevant to this action;
6. The proposed term of the Permit and whether the proposed SHA would provide a net conservation benefit to the spotted owl; and
7. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information in your comments, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety. Comments and materials we receive, as well as supporting documentation we used in preparing the draft EA, will be available for public inspection by appointment, during normal business hours, at our Oregon Fish and Wildlife Office (see **ADDRESSES**).

Next Steps

We will evaluate the draft SHA, associated documents, and any public comments we receive to determine whether the Permit application and the EA meet the requirements of section 10(a)(1)(A) of the ESA and NEPA, respectively, and their respective implementing regulations. We will also evaluate whether issuance of a Permit would comply with section 7(a)(2) of the ESA by conducting an intra-Service section 7 consultation on the proposed Permit action. If we determine that all requirements are met, we will sign the proposed SHA and issue a Permit under section 10(a)(1)(A) of the ESA to the applicant, the Weyerhaeuser Company, for incidental take of the northern spotted owl caused by covered activities implemented in accordance with the terms of the Permit and the SHA. We will not make our final decision until after the end of the 30-day public comment period, and we will fully consider all comments and information we receive during the public comment period.

Authority

We provide this notice pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*), its implementing regulations (50 CFR 17.22), and the NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: February 3, 2016.

Theresa Rabot,

Deputy Regional Director, Pacific Region, U.S. Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 2016–03559 Filed 2–19–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

United States Geological Survey

[GX16CN00B9D1000]

Announcement of Public Review Period for a Report of the Advisory Committee on Water Information, Subcommittee on Hydrology

AGENCY: United States Geological Survey, Department of the Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the availability for public review of the draft U.S. Geological Survey report, ''Guidelines for Determining Flood Flow Frequency'', commonly known as Bulletin 17B. This report was drafted under the auspices of the Hydrologic Frequency Analysis Work Group (HFAWG), which operates under the supervision of the Advisory Committee on Water Information's (ACWI) Subcommittee on Hydrology (SOH). Public review and comment is sought under the HFAWG Terms of Reference and the USGS peer review plan for the report (URL: *http://www.usgs.gov/peer_review/docs/guidelines_for_determining_flood-flow_frequency.pdf*).

The ACWI was established under the authority of the Office of Management and Budget Memorandum 92–01 and the Federal Advisory Committee Act. The purpose of the ACWI is to provide a forum for water-information users and professionals to advise the Federal Government about activities and plans which may improve the effectiveness of meeting the Nation's water information needs.

It has been 33 years since the last revision of Bulletin 17B in March 1982. At that time, it was recognized that continued investigation and improvements of flood frequency analysis techniques were needed. In fact, Bulletin 17B included a list of areas where additional research was recommended by the Work Group in 1982. The SOH's HFAWG has done extensive work during the last few years to update the Bulletin.

The draft report resulting from that process is now available for public review and comment. The report may be accessed at *http://acwi.gov/hydrology/Frequency/b17c/index.html.* A printed copy of the report may be obtained by contacting the U.S. Geological Survey, 12201 Sunrise Valley Drive, 417 National Center, Reston, Virginia 20192; (703) 648–6810.

DATES: Comments on the report should be provided no later than 45 days from the issuance of this notice. Comments can most effectively be provided

through an electronic form (*https://script.google.com/a/macros/usgs.gov/s/AKfycbwqQzlLmc0__KrlT6N5blVYMgNS–KQoVZ_ezZIGg6xm1s-7OXaV/exec*) that is indexed to specific sections and page numbers in the report, or they may be sent to *gs_b17c@usgs.gov.*

Wendy E. Norton,

Executive Secretary, ACWI.

[FR Doc. 2016–03570 Filed 2–19–16; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–20215; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before January 23, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 8, 2016.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 23, 2016. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

CALIFORNIA

San Diego County

Fort Rosecrans National Cemetery, (Inter-World War National Cemeteries, 1934–1939 MPS) Cabrillo Memorial Dr., San Diego, 16000054

San Mateo County

Golden Gate National Cemetery, (Inter-World War National Cemeteries, 1934–1939 MPS) 1300 Sneath Ln., San Bruno, 16000058

ILLINOIS

Cook County

Arcade Building, 1 Riverside Rd., Riverside, 16000055

Kane County

Ford, Sam and Ruth Van Sickle, House, 404 S. Edgelawn Dr., Aurora, 16000056

IOWA

Black Hawk County

Cedar Falls Post Office, 217 Washington St., Cedar Falls, 16000057

MARYLAND

Baltimore Independent city

Baltimore National Cemetery, (Inter-World War National Cemeteries, 1934–1939 MPS) 5501 Frederick Ave., Baltimore (Independent City), 16000059

MINNESOTA

Hennepin County

Fort Snelling National Cemetery, (Inter-World War National Cemeteries, 1934–1939 MPS) 7601 34th Ave., S., Minneapolis, 16000060

NEW YORK

Monroe County

Brockport Cemetery, 56–98 High St., Brockport, 16000061

New York County

Rustin, Bayard, Residence, 340 W. 28th St., New York, 16000062

Otsego County

Ferris, Warren, House, 7637 NY 80, Springfield Center, 16000063

Tioga County

Glenwood Cemetery and Mausoleum, 113 Moore St., Waverly, 16000064

TEXAS

Bexar County

Fort Sam Houston National Cemetery, (Inter-World War National Cemeteries, 1934–1939 MPS) 1520 Harry Wurzbach Rd., San Antonio, 16000065

El Paso County

Fort Bliss National Cemetery, (Inter-World War National Cemeteries, 1934–1939 MPS) 5200 Fred Wilson Blvd., Fort Bliss, 16000066

WISCONSIN

Walworth County

Delavan Downtown Commercial Historic District, Generally bounded by the 200, 300 & 400 blks. of E. Walworth Ave., Delavan, 16000067

Delavan Water Tower Park Historic District, Generally bounded by 101–137 Park Pl. & 104–130 E. Walworth Ave., Delavan, 16000068

A request to remove has been received for the following resource:

OREGON

Lane County

Eugene Civic Stadium, 2077 Willamette St., Eugene, 08000183

Authority: 60.13 of 36 CFR part 60

Dated: January 29, 2016.

Elaine Jackson-Retondo,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2016–03531 Filed 2–19–16; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Bureau of Safety and Environmental Enforcement

[16761700D2 ET1EX0000.PEB000 EEAA000000]

Notice of Availability of Draft Programmatic Environmental Assessment To Evaluate Potential Environmental Effects of Well Stimulation Treatments on the Pacific Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior; and Bureau of Safety and Environmental Enforcement (BSEE), Interior.

ACTION: Notice of availability.

SUMMARY: After an 11 month process that began in March of 2015, the Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) have prepared a Draft Programmatic Environmental Assessment (PEA) to evaluate potential environmental effects of well stimulation treatments (WSTs) on the Pacific Outer Continental Shelf (OCS). These activities include: Fracturing WSTs (Diagnostic fracture injection test; Frac pac; and Acid fracturing) and non-fracturing WSTs (Matrix acidizing; and Polymer/surfactant injection).

DATES: Comments on this Draft PEA will be accepted until March 23, 2016.

FOR FURTHER INFORMATION CONTACT: For more information on the Draft PEA, you may contact Mr. Rick Yarde, Regional

Supervisor, Office of Environment Pacific Region, BOEM, (805) 384–6379 or Mr. David Fish, Acting Chief Environmental Compliance Division, BSEE, (202) 208–3599.

SUPPLEMENTARY INFORMATION: This NOA is published pursuant to the regulations (40 CFR part 1503) implementing the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended, (42 U.S.C. 4321 *et seq.* (1988)). To obtain a copy of the Draft PEA:

1. You may download or view the Draft PEA on the following Web site: *http://pocswellstim.evs.anl.gov.*

2. Hard Copies are available at:

Santa Barbara Public Library, 40 E Anapamu St, Santa Barbara, CA 93101, (805) 962–7653;

E.P. Foster Library, 651 E. Main St., Ventura, CA 93001, (805) 648–2716; and

Long Beach Public Library, 101 Pacific Ave, Long Beach, CA 90822, (562) 570–7500.

3. You may also obtain a hard copy of the Draft PEA by contacting either Mr. Rick Yarde or Mr. David Fish.

Comments: Government agencies and other interested parties are requested to send their written comments on the Draft PEA in one of the following ways:

1. Preferred: Submit your comment on the project's public review Web site at: *http://pocswellstim.evs.anl.gov/;*

2. In an envelope labeled ''Comments on the Draft PEA for Well Stimulation Treatments on the Pacific OCS'' and mailed (or hand carried) to Mr. Rick Yarde, Regional Supervisor, Office of Environment Pacific Region, Bureau of Ocean Energy Management, 760 Paseo Camarillo, Suite 102 (CM102), Camarillo, CA 93010; or Mr. David Fish, Acting Chief Environmental Compliance Division, Bureau of Safety and Environmental Enforcement, 1849 C Street NW., Room 5429, Washington, DC 20240; and

3. By email to: *pocswellstim@anl.gov.*

Comments must be submitted by March 23, 2016.

Public Disclosure of Names and Addresses

Before including your address, phone number, email address or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so. The Bureaus will not consider anonymous comments, and the Bureaus will make available for inspection, in their entirety, all comments submitted by organizations or businesses or by individuals identifying themselves as representatives of organizations or businesses.

Dated: February 9, 2016.

Brian Salerno,

Director, Bureau of Safety and Environmental Enforcement.

Dated: February 9, 2016.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2016–03600 Filed 2–19–16; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–16–005]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 26, 2016 at 12:00 p.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–554 and 731–TA–1309 (Preliminary)(Certain Biaxial Integral Geogrid Products from China). The Commission is currently scheduled to complete and file its determinations on February 29, 2016; views of the Commission are currently scheduled to be completed and filed on March 7, 2016.

5. 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.

Dated: February 18, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–03748 Filed 2–18–16; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–939]

Certain Three-Dimensional Cinema Systems and Components Thereof Commission Determination To Review the Final Initial Determination in Part; 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-in-part the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') in the above-captioned investigation on December 16, 2015. The Commission requests certain briefing from the parties on the 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 December 12, 2014, based on a complaint filed by RealD, Inc. of Beverly Hills, California (''RealD''). 79 *FR* 73902–03. 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 three-dimensional cinema systems and components thereof that infringe certain claims of U.S. Patent Nos. 7,905,602; 8,220,934; 7,857,455; and 7,959,296. *Id.* at 73902. The notice of investigation named as respondents MasterImage 3D, Inc. of Sherman Oaks, California, and MasterImage 3D Asia, LLC of Seoul, Republic of Korea (collectively, ''MasterImage''). *Id.* at 73903. The Office of Unfair Import Investigations was not named as a party to the investigation. *Id.*

On December 16, 2015, the ALJ issued a final ID finding a violation of section 337 with respect to all three asserted patents. The ALJ found that the asserted claims of each patent are infringed. The ALJ found that the asserted claims of the asserted patents are not invalid for anticipation or obviousness. The ALJ found that the asserted claims of the '455 patent satisfy the written description and the definiteness requirements of 35 U.S.C. 112. The ALJ found that the asserted patents are not unenforceable due to inequitable conduct. The ALJ found that the '296 patent properly named all inventors of that patent. The ALJ found that the technical prong of the domestic industry requirement was satisfied for the asserted patents. The ALJ also issued a Recommended Determination on Remedy and Bonding (''RD''), recommending that a limited exclusion order and a cease and desist order should issue and that a bond of 100 percent should be imposed during the period of presidential review.

On December 29, 2015, MasterImage filed a petition for review challenging various findings in the final ID. On January 6, 2016, RealD filed a response to MasterImage's petition. On January 15, 2016, and January 19, 2016, MasterImage and RealD respectively filed post-RD statements on the public interest under Commission Rule 210.50(a)(4). The Commission did not receive any post-RD public interest comments from the public in response to the Commission notice issued on December 22, 2015. 80 *FR* 80795 (Dec. 28, 2015).

Having examined the record of this investigation, including the ID, the petitions for review, and the responses thereto, the Commission has determined to review in part the ALJ's determination of a section 337 violation. Specifically, the Commission has determined to review (1) the ID's construction of the ''uniformly modulate'' limitation recited in claims 1 and 17 of the '455 patent; (2) the ID's infringement findings with respect to the asserted claims of the '455 patent; (3) the ID's findings on validity of the asserted claims of the '455 patent; (4) the ID's finding of proper inventorship of the '296 patent; (5) the ID's findings on validity of the asserted claims of the '934 patent; and (6) the ID's finding regarding the technical prong of the domestic industry requirement with respect to the '455 patent.

The Commission has determined not to review the remaining issues decided in the final ID. 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. Discuss whether the accused products satisfy the limitation ''uniformly modulate'' recited in claims 1 and 17 of the '455 patent if the limitation is construed as: ''operating on all input light to change it from one polarization state to another polarization state.''

2. Applying the construction in Question No. 1, discuss whether the prior art discloses or suggests the limitation ''uniformly modulate.''

3. Applying the construction in Question No. 1, discuss whether the alleged domestic industry products satisfy the limitation ''uniformly modulate.''

4. Discuss whether the written description requirement under § 112, ¶ 1 is satisfied with respect to the asserted claims of the '455 patent that do not require an element for rotating the polarization state of the light energy in one path to match the polarization state of the light energy in the other path. Explain the role of such rotation in improving image brightness. In addition, discuss the necessity of such rotation where a single polarization modulator is used.

5. Discuss any authorities that have excluded from the scope of a limited exclusion order components of an infringing product where those components are also used in non-adjudicated products, and discuss whether those authorities apply in this investigation. In addition, discuss whether a certification provision in a limited exclusion order would address the parties' dispute as to such components.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or 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 order 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: The parties to the investigation are requested to file written submissions on all of the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant RealD is also requested to submit proposed remedial orders for the Commission's consideration. RealD is also requested to state the date that the asserted patents expire and 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 Tuesday, March 1, 2016. Initial written submissions by the parties shall be no more than 50 pages, excluding any attachments or exhibits. Reply submissions must be filed no later than the close of business on Friday, March 11, 2016. Reply submissions by the parties shall be no more than 30 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–939'') 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 16, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–03537 Filed 2–19–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–943]

Certain Wireless Headsets; Commission Determination To Grant Joint Motions To Amend the Notice of Investigation and To Terminate the Investigation in Part as to Respondent Aliphcom d/b/a/ Jawbone on the Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant an amended joint motion to amend the Notice of Investigation to correct the name of respondent Jawbone, Inc. to AliphCom d/b/a/ Jawbone (''AliphCom'') and a joint motion to terminate the above-captioned investigation in part as to respondent AliphCom based upon a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 13, 2015, based on a complaint filed by One-E-Way, Inc. of Pasadena, California (''One-E-Way''). 80 FR 1663 (Jan. 13, 2015). 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 wireless headsets by reason of infringement of certain claims of U.S. Patent Nos. 7,865,258 (''the '258 patent'') and 8,131,391 (''the '391 patent''). *Id.* The notice of investigation named several respondents, including Sony Corporation of Tokyo, Japan; Sony Corporation of America of New York, New York; and Sony Electronics, Inc. of San Diego, California (collectively, ''Sony''); Beats Electronics, LLC of Culver City, California and Beats Electronics International Ltd. of Dublin, Ireland (collectively, ''Beats''); Sennheiser Electronic GmbH & Co. KG of Wedemark, Germany and Sennheiser Electronic Corporation of Old Lyme, Connecticut (collectively, ''Sennheiser''); BlueAnt Wireless Pty, Ltd. of Richmond, Australia and BlueAnt Wireless, Inc. of Chicago, Illinois (collectively, ''BlueAnt''); Creative Technology Ltd. of Singapore and Creative Labs, Inc. of Milpitas, California (collectively, ''Creative Labs''); GN Netcom A/S d/b/a Jabra of Ballerup, Denmark (''GN Netcom''); and Jawbone, Inc. of San Francisco, California. *Id.* The Office of Unfair Import Investigations (OUII) also was named as a party to the investigation. *Id.* The Commission previously terminated the investigation with respect to Beats and Sennheiser. *See* Notice (Apr. 29, 2015); Notice (June 11, 2015). The Commission also previously terminated the investigation with respect to certain claims of the '258 and '391 patents. *See* Notice (May 26, 2015); Notice (Aug. 26, 2015).

On December 23, 2015, One-E-Way and respondent Jawbone, Inc. (styled in the motion as AliphCom) filed a joint motion to terminate the investigation as to AliphCom based on a settlement agreement pursuant to section 210.21(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.21(b)). One-E-Way and AliphCom additionally requested that service of the unredacted version of the settlement agreements be limited to the Commission investigative attorney (''IA''). On December 24, 2015, the IA filed a response supporting the joint motion and agreeing that restricted service was appropriate. No other party filed a response to the joint motion.

On January 12, 2016, One-E-Way and respondent Jawbone, Inc. (styled in the motion as Aliphcom) filed a joint motion to amend the Notice of Investigation to correct the name of respondent Jawbone, Inc. to AliphCom d/b/a/ Jawbone. On January 14, 2016, One-E-Way and Jawbone, Inc. filed an amended joint motion to amend the Notice of Investigation, indicating that the remaining respondents and the IA do not oppose or object to the motion.

The Commission has determined to amend the Notice of Investigation as requested and to terminate the

investigation as to AliphCom. The Commission finds that the joint motion to terminate complies with the requirements of section 210.21(b)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.21(b)(1)), and that there are no extraordinary circumstances that would prevent the requested termination. The Commission also finds that granting the motion would not be contrary to the public interest pursuant to section 210.50(b)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.20(b)(2)). The Commission has also determined to restrict service of the confidential versions of the settlement agreements between One-E-Way and AliphCom to the IA.

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 16, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–03513 Filed 2–19–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–944]

Certain Network Devices, Related Software and Components Thereof (I); Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order and a cease and desist order for certain network devices, related software and components thereof, imported by named respondent Arista Networks, Inc. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on February 11, 2016. Comments should address whether issuance of a limited exclusion order and/or a cease a desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and/or cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on March 21, 2016.

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. 944'') 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 (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 the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: February 16, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–03497 Filed 2–19–16; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Revision of Certain Dollar Amounts in the Bankruptcy Code

AGENCY: Judicial Conference of the United States.

ACTION: Notice.

SUMMARY: Certain dollar amounts in title 11 and title 28, United States Code, are increased.

FOR FURTHER INFORMATION CONTACT: Michele Reed, Chief, Judicial Services Office, Administrative Office of the United States Courts, Washington, DC 20544, Telephone (202) 502–1800, or by email at *Judicial_Services_Office@ao.uscourts.gov.*

SUPPLEMENTARY INFORMATION: Section 104(a) of title 11, United States Code, provides the mechanism for an automatic three-year adjustment of dollar amounts in certain sections of titles 11 and 28. Public Law 95–598 (1978); Public Law 103–394 (1994); Public Law 109–8 (2005); and Public Law 110–406 (2008). The provision states:

(a) On April 1, 1998, and at each 3-year interval ending April 1 thereafter, each dollar amount in effect under sections 101(3), 101(18), 101(19A), 101(51D), 109(e), 303(b), 507(a), 522(d), 522(f)(3) and 522(f)(4), 522(n), 522(p), 522(q), 523(a)(2)(C), 541(b), 547(c)(9), 707(b), 1322(d), 1325(b)(3) and 1326(b)(3) of this title and section 1409(b) of title 28 immediately before such April 1 shall be adjusted –

(1) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(2) to round to the nearest $25 the dollar amount that represents such change.

(b) Not later than March 1, 1998, and at each 3-year interval ending on March 1 thereafter, the Judicial Conference of the United States shall publish in the **Federal Register** the dollar amounts that will become effective on such April 1 under sections 101(3), 101(18), 101(19A), 101(51D), 109(e), 303(b), 507(a), 522(d), 522(f)(3) and 522(f)(4), 522(n), 522(p), 522(q), 523(a)(2)(C), 541(b), 547(c)(9), 707(b), 1322(d), 1325(b), and 1326(b)(3) of this title and section 1409(b) of title 28.

(c) Adjustments made in accordance with subsection (a) shall not apply with respect to cases commenced before the date of such adjustments.

Revision of Certain Dollar Amounts in Bankruptcy Code

Notice is hereby given that the dollar amounts are increased in the sections in title 11 and title 28, United States Code, as set out in the following chart. These increases do not apply to cases commenced before the effective date of the adjustments, April 1, 2016. Seven Official Bankruptcy Forms, (106C, 107, 122A–2, 122C–2, 201, 207, and 410) and two Director's Forms (2000 and 2830), also will be amended to reflect these adjusted dollar amounts.

Dated: February 16, 2016.

Michele Reed,

Chief, Judicial Services Office.

Affected sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar amount to be adjusted	New (adjusted) dollar amount [1]
28 U.S.C.		
Section 1409(b)—a trustee may commence a proceeding arising in or related to a case to recover		
(1)—money judgment of or property worth less than	$1,250	$1,300.
(2)—a consumer debt less than	$18,675	$19,250.
(3)—a non consumer debt against a non insider less than	$12,475	$12,850.
11 U.S.C.		
Section 101(3)—definition of assisted person	$186,825	$192,450.
Section 101(18)—definition of family farmer	$4,031,575 (each time it appears)	$4,153,150 (each time it appears).
Section 101(19A)—definition of family fisherman	$1,868,200 (each time it appears)	$1,924,550 (each time it appears).
Section 101(51D)—definition of small business debtor	$2,490,925 (each time it appears)	$2,566,050 (each time it appears).
Section 109(e)—debt limits for individual filing bankruptcy under chapter 13.	$383,175 (each time it appears) ...	$394,725 (each time it appears)
	$1,149,525 (each time it appears)	$1,184,200 (each time it appears).
Section 303(b)—minimum aggregate claims needed for the commencement of an involuntary chapter 7 or 11 petition		
(1)—in paragraph (1)	$15,325	$15,775.
(2)—in paragraph (2)	$15,325	$15,775.
Section 507(a)—priority expenses and claims		
(1)—in paragraph (4)	$12,475	$12,850.
(2)—in paragraph (5)(B)(i)	$12,475	$12,850.
(3)—in paragraph (6)(B)	$6,150	$6,325.
(4)—in paragraph (7)	$2,775	$2,850.
Section 522(d)—value of property exemptions allowed to the debtor		
(1)—in paragraph (1)	$22,975	$23,675.
(2)—in paragraph (2)	$3,675	$3,775.
(3)—in paragraph (3)	$575	$600.
	$12,250	$12,625.
(4)—in paragraph (4)	$1,550	$1,600.
(5)—in paragraph (5)	$1,225	$1,250.
	$11,500	$11,850.
(6)—in paragraph (6)	$2,300	$2,375.
(7)—in paragraph (8)	$12,250	$12,625.
(8)—in paragraph (11)(D)	$22,975	$23,675.
Section 522(f)(3)—exception to lien avoidance under certain state laws.	$6,225	$6,425.

Affected sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar amount to be adjusted	New (adjusted) dollar amount [1]
Section 522(f)(4)—items excluded from definition of household goods for lien avoidance purposes.	$650 (each time it appears)	$675 (each time it appears).
Section 522(n)—maximum aggregate value of assets in individual retirement accounts exempted.	$1,245,475	$1,283,025.
Section 522(p)—qualified homestead exemption	$155,675	$160,375.
Section 522(q)—state homestead exemption	$155,675	$160,375.
Section 523(a)(2)(C)—exceptions to discharge		
(1)—in paragraph (i)(I)—consumer debts for luxury goods or services incurred < 90 days before filing owed to a single creditor in the aggregate.	$650	$675.
(2)—in paragraph (i)(II)—cash advances incurred < 70 days before filing in the aggregate.	$925	$950.
Section 541(b)—property of the estate exclusions		
(1)—in paragraph (5)(C)—education IRA funds in the aggregate	$6,225	$6,425.
(2)—in paragraph (6)(C)—pre-purchased tuition credits in the aggregate.	$6,225	$6,425.
Section 547(c)(9)—preferences, trustee may not avoid a transfer if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of property is less than.	$6,225	$6,425.
Section 707(b)—dismissal of a chapter 7 case or conversion to chapter 11 or 13 (means test)		
(1)—in paragraph (2)(A)(i)(I)	$7,475	$7,700.
(2)—in paragraph (2)(A)(i)(II)	$12,475	$12,850.
(3)—in paragraph (2)(A)(ii)(IV)	$1,875	$1,925.
(4)—in paragraph (2)(B)(iv)(I)	$7,475	$7,700.
(5)—in paragraph (2)(B)(iv)(II)	$12,475	$12,850.
(6)—in paragraph (5)(B)	$1,250	$1,300.
(7)—in paragraph (6)(C)	$675	$700.
(8)—in paragraph (7)(A)(iii)	$675	$700.
Section 1322(d)—contents of chapter 13 plan, monthly income	$675 (each time it appears)	$700 (each time it appears).
Section 1325(b)—chapter 13 confirmation of plan, disposable income	$675 (each time it appears)	$700 (each time it appears).
Section 1326(b)(3)—payments to former chapter 7 trustee	$25	$25.

[1] The New (Adjusted) Dollar Amounts reflect a 3.016 percent increase, rounded to the nearest $25.

[FR Doc. 2016–03607 Filed 2–19–16; 8:45 am]

BILLING CODE 2210–55–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0001]

Sunshine Act Meeting Notice

DATE: February 22, 29, March 7, 14, 21, 28, 2016.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 22, 2016

Tuesday, February 23, 2016

9:30 a.m. Discussion of Management Issues (Closed—Ex. 2).

Thursday, February 25, 2016

8:55 a.m. Affirmation Session (Public Meeting) (Tentative).

(a) NextEra Energy Seabrook, LLC (Seabrook Station, Unit 1): Motion To Withdraw Final Environmental Impact Statement (Tentative).

(b) SHINE Medical Technologies, Inc. (Medical Radioisotope Production Facility), Mandatory Hearing Decision (Tentative).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Material Users Business Lines (Public Meeting); (Contact: Anita Gray: 301–415–7036).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 29, 2016—Tentative

Wednesday, March 2, 2016

3:00 p.m. Discussion of Management and Personnel Issues (Closed—Ex. 2&6).

Thursday, March 3, 2016

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1&9).

Friday, March 4, 2016

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting); (Contact: Mark Banks: 301–415–3718).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 7, 2016—Tentative

There are no meetings scheduled for the week of March 7, 2016.

Week of March 14, 2016—Tentative

Tuesday, March 15, 2016

9:00 a.m. Briefing on Power Reactor Decommissioning Rulemaking (Public Meeting); (Contact: Jason Carneal: 301–415–1451).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, March 17, 2016

9:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting); (Contact: Douglas Bollock: 301–415–6609).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 21, 2016—Tentative

There are no meetings scheduled for the week of March 21, 2016.

Week of March 28, 2016—Tentative

Tuesday, March 29, 2016

9:30 a.m. Briefing on Project Aim (Public Meeting); (Contact: Janelle Jessie: 301–415–6775).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Wednesday, March 30, 2016

9:30 a.m. Briefing on Security Issues (Closed Ex. 1).

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 18, 2016.

Denise McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2016–03752 Filed 2–18–16; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–029, and 72–1025; NRC 2016–0029]

Independent Spent Fuel Storage Installation, Yankee Atomic Electric Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a September 1, 2015, request from Yankee Atomic Electric Company, (YAEC or licensee) from the requirement to comply with the terms, conditions, and specifications regarding the method of compliance defined in Amendment No. 5 of the NAC International, Inc. (NAC),—MPC Certificate of Compliance (CoC) No. 1025, Appendix A ''Technical Specifications for NAC–MPC System,'' Technical Specifications (TS) A.5.3 ''Surveillance After an Off-Normal, Accident, or Natural Phenomena Event'' at the Yankee Nuclear Power Station (YNPS) Independent Spent Fuel Storage Installation (ISFSI). The exemption request seeks a modification of TS A 5.3 inspection requirements for the inlet and outlet vents following off-normal, accident and natural phenomena events.

ADDRESSES: Please refer to Docket ID NRC–2016–0029 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0029. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John Goshen, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–6933, email: *John.Goshen@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555.

SUPPLEMENTARY INFORMATION:

I. Background

The licensee is the holder of Facility Operating License No. DPR–3 which authorizes operation of the YNPS located near Rowe, Massachusetts, pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR). The facility is in decommissioned status. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect.

Under subpart K of 10 CFR part 72, a general license has been issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50. The licensee is licensed to operate a nuclear power reactor under 10 CFR part 50, and authorized under the 10 CFR part 72 general license to store spent fuel at the YNPS ISFSI. Under the terms of the general license, YNPS stores spent fuel using Amendment No. 5 of the NAC–MPC CoC No. 1025.

II. Request/Action

YAEC requests an exemption from 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), and 10 CFR 72.214 for the YNPS ISFSI.

- Section 72.212(b)(3) requires that a general licensee use casks that conform to the terms, conditions, and specifications of a CoC or amended CoC listed in § 72.214. The NAC–MPC CoC No. 1025 is listed in 10 CFR 72.214.
- Section 72.212(b)(5)(i) requires, in relevant part, that a general licensee demonstrate a loaded cask will conform to the terms, conditions, and specifications of a CoC for a cask listed in § 72.214.
- Section 72.214 lists casks which are approved for storage of spent fuel under conditions specified in their CoCs, including CoC 1025 and Amendment No. 5.

The licensee, as a 10 CFR 72 general licensee, is required to use the NAC–MPC System according to the technical specifications of the NAC–MPC System CoC No. 1025. Amendment No. 5 of the NAC–MPC CoC No. 1025, Appendix A, ''Technical Specifications for the NAC–MPC System,'' TS A 5.3, ''Surveillance After an Off-Normal, Accident, or Natural Phenomena Event,'' requires that a general licensee undertake a visual surveillance of the NAC–MPC casks within 4 hours after the occurrence of an off-normal, accident or natural phenomena event in the area of the ISFSI. This NAC–MPC cask inspection is part of the general licensee's surveillance response to verify that all the CONCRETE CASK inlets and outlets are not blocked or obstructed. The NAC–MPC TS A 5.3 also requires that at least one-half of the inlets and outlets on each CONCRETE CASK be cleared of blockage or debris within 24 hours to restore air circulation.

The licensee seeks the NRC's authorization to use NAC–MPC TS A 3.1.6 as an alternative to the visual surveillance method specified in NAC–MPC TS A 5.3. technical Specification A 3.1.6 permits (either) visual surveillance of the inlets and outlets screens or temperature monitoring of each cask to establish the operability of the Concrete Cask Heat Removal System for each NAC–MPC cask and to show that the limiting conditions for operation under 3.1.6 are met. Technical Specification A 3.1.6 establishes ongoing requirements that YNPS must comply with during all phases of the cask storage operations, not only after an unusual event in the area of the ISFSI. In effect, TS A 3.1.6 provides continuous temperature monitoring or visual verification to establish operability of the Concrete Cask Heat Removal System for all NAC–MPC CoC No. 1025 casks.

The proposed alternative for implementing TS A 5.3 provides that Surveillance Requirement (SR) 3.1.6.1 is required following off-normal, accident or natural phenomena events. The NAC–MPC Systems in use at an ISFSI shall be inspected in accordance with SR 3.1.6.1 within 4 hours after the occurrence of an off-normal, accident or natural phenomena event in the area of the ISFSI to confirm operability of the CONCRETE CASK Heat Removal System for each NAC–MPC System. Additionally, if a CONCRETE CASK Heat Removal System(s) for one or more NAC–MPC Systems is determined to be inoperable, Required Action A.1 of TS A 3.1.6 requires the licensee to restore the affected Concrete Cask Heat Removal System(s) to an operable condition within 8 hours.

The NAC–MPC Final Safety Analysis Report (FSAR) supports the use of either method defined in SR 3.1.6.1 to establish operability to comply with NAC–MPC TS A 3.1.6 or NAC–MPC TS A 5.3. Section 11.1.1 of the FSAR states, ''Blockage of Half of the Air Inlets would be detected by the daily concrete cask operability inspection, which is performed either by the outlet air temperature measurements or by visual inspection of the inlet and outlet screens for blockage and integrity.''

III. Discussion

Under 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of 10 CFR part 72 if the exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest. As explained below, the proposed exemption is lawful, will not endanger life or property, or the common defense and security, and is otherwise in the public interest. The ADAMS accession numbers for the applicable documents are:

Document	Date	ADAMS accession No.
Exemption Request	September 1, 2015	ML15254A050
Letter of transmittal	NA	ML16033A150

The Exemption Is Authorized by Law

The exemption would permit the licensee to use either of the inspection methods permitted by NAC–MPC TS A 3.1.6 as an alternative to the single surveillance method in NAC–MPC TS A 5.3. The licensee would conduct a surveillance response within 4 hours after the occurrence of an off-normal, accident, or natural phenomena event, as required by NAC–MPC TS A 5.3, but would be permitted to use either temperature monitoring or visual inspection to ensure the Concrete Cask Heat Removal Systems are within the limiting conditions for operation. The exemption is limited to off-normal, accident, or natural phenomena events, specifically major snow or icing events (snow/ice events that have the potential to or that exceed blockage of greater than one-half of the inlet or outlet vents).

The licensee requested an exemption from the provisions in 10 CFR part 72 that require the licensee to comply with the terms, conditions, and specifications of the CoC for the approved cask model that it uses. Section 72.7 of 10 CFR allows the NRC to grant exemptions from the requirements of 10 CFR part 72. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and is not inconsistent with NRC regulations or other applicable laws. As explained below, the proposed exemption will not endanger life or property, or the common defense and security, and is otherwise in the public interest. Therefore, the exemption is authorized by law.

The Exemption Is Consistent With the Common Defense and Security

The requested exemption would allow the licensee to use the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6 as an alternative to the single-method surveillance response in NAC–MPC TS A 5.3. Technical Specification A 3.1.6 permits (either) visual inspection of the inlet and outlet screens or temperature monitoring to establish the operability of the Concrete Cask Heat Removal System for each NAC–MPC System and to comply with the limiting conditions for operation for TS A 3.1.6. SR 3.1.6.1 permits temperature monitoring or visual inspection of the inlet and outlet screens to be utilized to establish the operability of the Concrete Cask Heat Removal System for each NAC–MPS System to meet Limiting Condition for Operation 3.1.6. In the event the applicable acceptance criterion of SR 3.1.6.1 is not met, Required Action A.1 requires the licensee to restore the affected Concrete Cask Heat Removal System(s) to an operable condition within 8 hours.

The NRC staff reviewed the licensee's request and finds allowing the use of either visual surveillance of the inlet and outlet screens or temperature monitoring of the inlets and outlets within 4 hours of the occurrence of off-normal, accident, or natural phenomena events, when limited to major snow and icing events, does not compromise safety. The exemption still requires the licensee to perform SR 3.1.6.1 to establish the operability of the Concrete Cask Heat Removal Systems event 24 hours via temperature monitoring or visual inspection of the inlet and outlet screens. In addition, the exemption provides no additional time to complete the required surveillance of the inlets and outlets screens in accordance with TS A 5.3. The use of either method will ensure that adequate air flows past the storage canister and that heat transfer occurs. For these reasons, the NRC staff found the same level of safety is obtained by using either of the TS A 3.1.6 methods to comply with NAC–MPC TS A 5.3 during limited types off-normal, accident, or natural phenomena.

The NRC staff has determined that the thermal, structural, criticality,

retrievability, and radiation protection requirements of 10 CFR part 72 and the offsite dose limits of 10 CFR part 20 will be maintained. For these reasons, the staff finds the same level of safety is obtained by using either of the TS A 3.1.6 methods to comply with NAC–MPC TS A 5.3. Therefore, the NRC concludes that the exemption will not endanger life or property or the common defense and security.

The Exemption Presents No Undue Risk to Public Health and Safety

As described in the application, exempting the licensee from visual surveillance of cask inlet and outlet vents within 4-hours of a major snowstorm would allow the licensee to more effectively prioritize important storm-related activities at the YNPS site. Snow and ice blockage of the inlet and outlet vents is unusual. Moreover, snow and ice blockages are identified reliably by temperature monitoring of individual casks. The NRC staff recognizes there is a risk to the safety of workers responsible for clearing snow and ice from cask pads during extreme winter conditions when visual surveillance of casks must be undertaken within 4 hours. The NRC staff finds this risk to workers can be reduced by using SR 3.1.6.1 to establish the operability of the Concrete Cask Heat Removal Systems via temperature monitoring or visual inspection of the inlet and outlet screens. In addition, the limiting conditions for operation of the NAC–MPC System require the Concrete Cask Heat Removal System for each cask to be operable during storage operations thus ensuring public health and safety are not reduced.

Therefore the NRC staff finds that allowing the licensee to use the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6 as an alternative to the single-method surveillance response in NAC–MPC TS A 5.3 would reduce worker safety risks to plant workers involved in snow removal. Therefore, granting the exemption is otherwise in the public interest.

Environmental Considerations

The staff evaluated whether there would be significant environmental impacts associated with the issuance of the requested exemption. The staff determined the proposed action fits a category of actions that do not require an environmental assessment or environmental impact statement. The exemption meets the categorical exclusion requirements of 10 CFR 51.22(c)(25)(i)–(vi).

Granting an exemption from the requirements of 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), and 10 CFR 72.214 for the YNPS ISFSI involves the visual surveillance requirement associated with TS A 5.3A. A categorical exclusion for inspection and SRs is provided under 10 CFR 51.22(c)(25)(vi)(C), if the criteria in 10 CFR 51.22(c)(25)(i)–(v) are also satisfied.

The granting of the exemption: (i) Would not involve a significant hazards consideration because it does not reduce a margin of safety, create a new or different kind of accident not previously evaluated, or significantly increase the probability or consequences of an unevaluated accident; (ii) would not create a significant change in the types or significant increase in the amounts of any effluents that may be released offsite because the exemption does not change or produce additional avenues of effluent release; (iii) would not significantly increase individual or cumulative public or occupational radiation exposure because the exemption does not introduce new or increased radiological hazards; (iv) would not result in significant construction impacts because the exemption would not involve construction or other ground disturbing activities, nor change the footprint of the existing ISFSI; v) would not significantly increase the potential for, or consequences from, radiological accidents because the exemption requires a surveillance method that ensures the heat removal system of casks is maintained within the limiting conditions for operation; and (vi) the request seeks exemption from inspection or surveillance requirements, specifically, the single-method surveillance requirement in NAC–MPC TS A 5.3, may be substituted with the SR, conditions, required actions, and completion times defined in NAC–MPC TS 3.1.6.

In its review of the exemption request, the NRC staff determined the proposed exemption meets the eligibility criterion for categorical exclusion in 10 CFR 51.22(c)(25).

Therefore, there are no significant radiological environmental impacts associated with the proposed action.

IV. Conclusion

The NRC has determined that, under 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC grants YAEC an exemption from the requirements in10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and to TS A.5.3 for the NAC–MPC System CoC No. 1025 storage casks at the YNPS ISFSI. The exemption authorizes the licensee to use the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6 to comply with NAC–MPC TS A 5.3 after off-normal, accident, or natural phenomena events, but is specifically limited to major snow or icing events (events that have the potential to or that exceed blockage of greater than one-half of the inlet or outlet vents).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 4th day of February, 2016.

For the Nuclear Regulatory Commission.

Steve Ruffin,

Acting Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2016–03591 Filed 2–19–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–336; NRC–2016–0034]

Dominion Nuclear Connecticut, Inc., et al.; Millstone Power Station, Unit No. 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR–65, issued to Dominion Nuclear Connecticut, Inc., et al. (the licensee), for operation of the Millstone Power Station, Unit No. 2 (MPS2). The proposed amendment would modify the MPS2 Technical Specifications (TSs) to revise the peak calculated primary containment internal pressure (P_a) for the design-basis loss-of-coolant accident in TS 6.19, TS 3.6.1.2.a, and TS 3.6.1.3.b to be consistent with the definition of P_a in the NRC's regulations. The proposed amendment would also revise the acceptance criteria for leakage rate testing of containment air lock door seals to substitute the use of the makeup flow method in lieu of the pressure decay method currently used at MPS2.

DATES: Submit comments by March 23, 2016. A request for a hearing or petition for leave to intervene must be filed by April 22, 2016.

ADDRESSES: You may submit comments by any of the following methods (unless

this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0034. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Richard V. Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1030; email: *Richard.Guzman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0034 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0034.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application for amendment, dated March 2, 2015, as supplemented by letter dated August 31, 2015, are available in ADAMS under Accession Nos. ML15069A226 and ML15246A117, respectively.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0034 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. DPR–65, issued to Dominion Nuclear Connecticut, Inc. for operation of MPS2 located in New London County, Connecticut.

The proposed license amendment, initially submitted by letter dated March 2, 2015 (ADAMS Accession No. ML15069A226), would modify the MPS2 TSs to revise the definition of P_a as the containment design pressure consistent with MPS2 TS 3.6.1.2.a and TS 3.6.1.3.b. Subsequent to the March 2, 2015, letter, the licensee identified a more appropriate set of TS changes that would align MPS2 TS 6.19, TS 3.6.1.2.a, and TS 3.6.1.3.b to be consistent with the part 50, appendix J, Option B, of title 10 of the *Code of Federal Regulations* (10 CFR) definition of P_a. The proposed amendment would also revise the acceptance criteria for leakage rate testing of containment air lock door seals to substitute the use of the makeup flow method in lieu of the pressure decay method currently used at MPS2. The proposed license amendment was supplemented by letter dated August 31, 2015 (ADAMS Accession No. ML15246A117), which proposed changes (to TS 3.6.1.2.a and TS 3.6.1.3.b) that revised the scope of the amendment. The NRC staff previously made a proposed determination that the amendment request dated March 2, 2015, involves no significant hazards consideration (80 FR 43126; July 21, 2015). In the supplemental letter, the licensee provided additional information that expanded the scope of the amendment request as originally noticed by proposing to delete the containment design pressure of 54 pounds per square inch gauge from TS 3.6.1.2.a and TS 3.6.1.3.b and add the numerical value of P_a. This notice supersedes the MPS2 specific information in the previous notice in its entirety to update the description of the amendment request and the no significant hazards consideration determination.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The NRC has made a proposed determination that the amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design basis accident remains unchanged for the postulated events described in the MPS2 FSAR (Final Safety Analysis Report). Since the initial conditions and assumptions included in the safety analyses are unchanged, the consequences of the postulated events remain unchanged. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment also revises the method of surveillance for leakage rate testing of the containment air lock door seals. The makeup flow method will continue to provide assurance that the containment leakage rate is within the limits assumed in the radiological consequences analysis of the design basis accident, therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of

accident from any accident previously evaluated?

Response: No.

The proposed amendment does not change the way the plant is operated and does not involve a physical alteration of the plant. No new or different types of equipment will be installed and there are no physical modifications to existing equipment associated with the proposed amendment. Similarly, the proposed amendment would not physically change any plant systems, structures, or components involved in the mitigation of any postulated accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the proposed amendment does not create the possibility of a new failure mode associated with any equipment or personnel failures. Therefore, the proposed amendment would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment does not represent any physical change to plant systems, structures, or components, or to procedures established for plant operation. The proposed amendment does not affect the inputs or assumptions of any of the design basis analyses and current design limits will continue to be met. Since the proposed amendment does not affect the assumptions or consequences of any accident previously analyzed, there is no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period provided if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may

issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by April 22, 2016. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 22, 2016.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC's guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville,

Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this action, see the application for amendment, dated March 2, 2015, as supplemented by letter dated August 31, 2015, in ADAMS.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Travis L. Tate.

Dated at Rockville, Maryland, this 12th day of February 2016.

For the Nuclear Regulatory Commission.

Richard V. Guzman,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–03592 Filed 2–19–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–213, and 72–1025; NRC–2016–0031]

Independent Spent Fuel Storage Installation, Connecticut Yankee Atomic Power Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to an August 31, 2015, request from Connecticut Yankee Atomic Power Company, (CYAPC or licensee) from NRC's requirement to comply with the terms, conditions, and specifications in Amendment 5 of the NAC International, (NAC),—Multi-Purpose Canister (MPC) System Certificate of Compliance (CoC) No. 1025, Appendix A ''Technical Specifications for NAC–MPC System,'' Technical Specifications (TS) A.5.3 ''Surveillance After an Off-Normal, Accident, or Natural Phenomena Event'' at the Haddam Neck Plant (HNP) independent spent fuel storage installation (ISFSI). The exemption request seeks a modification of TS A.5.3 inspection requirements for the inlet and outlet vents following off-normal, accident, and natural phenomena events.

ADDRESSES: Please refer to Docket ID NRC–2016–0031 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0031. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John Goshen, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–6933, email: *John.Goshen@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555.

SUPPLEMENTARY INFORMATION:

I. Background

The licensee, the holder of Facility Operating License No. DPR–61, is CYAPC, which authorizes operation of the HNP in Haddam, Connecticut, pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR). The facility is in decommissioned status. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect.

Under subpart K of 10 CFR part 72, a general license has been issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50. The licensee, CYAPC, is licensed to operate a nuclear power reactor under 10 CFR part 50 and authorized under the 10 CFR part 72 general license to store spent fuel at the HNP ISFSI. Under the terms of the general license, CYAPC stores spent fuel using Amendment 5 of the NAC–MPC CoC No. 1025.

II. Request/Action

The licensee requests an exemption from 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), and 10 CFR 72.214 for the HNP ISFSI.

- Section 72.212(b)(3) requires that a general licensee use casks that conform to the terms, conditions, and specifications of a CoC or amended CoC listed in § 72.214. The NAC–MPC CoC No. 1025 is listed in 10 CFR 72.214.
- Section 72.212(b)(5)(i) requires, in relevant part, that a general licensee demonstrate a loaded cask will conform

to the terms, conditions, and specifications of a CoC for a cask listed in § 72.214.

• Section 72.214 lists casks which are approved for storage of spent fuel under conditions specified in their CoCs, including CoC 1025 and Amendment No. 5.

The licensee, as a 10 CFR 72 general licensee, is required to use the NAC–MPC System according to the technical specifications of the NAC–MPC System CoC No. 1025. Amendment 5 of the NAC–MPC CoC No. 1025, Appendix A, ''Technical Specifications for the NAC–MPC System,'' Technical Specification (TS) A 5.3, ''Surveillance After an Off-Normal, Accident, or Natural Phenomena Event'' requires that a general licensee undertake a visual surveillance of the NAC–MPC casks within 4 hours after the occurrence of an off-normal, accident or natural phenomena event in the area of the ISFSI. This NAC–MPC cask inspection is part of the general licensee's surveillance response to verify that all the CONCRETE CASK inlets and outlets are not blocked or obstructed. The NAC–MPC TS A 5.3 also requires that at least one-half of the inlets and outlets on each CONCRETE CASK be cleared of blockage or debris within 24 hours to restore air circulation.

The licensee seeks the NRC's authorization to use NAC–MPC TS A 3.1.6 as an alternative to the visual surveillance method specified in NAC–MPC TS A 5.3. Technical Specification A 3.1.6 permits *either* visual surveillance of the inlets and outlets screens or temperature monitoring of each cask to establish the operability of the Concrete Cask Heat Removal System for each NAC–MPC cask and to show that the limiting conditions for operation under 3.1.6 are met. Technical Specification A 3.1.6 establishes ongoing requirements that HNP must comply with during all phases of the cask storage operations, not only after an unusual event in the area of the ISFSI. In effect, TS A 3.1.6 provides continuous temperature monitoring or visual verification to establish operability of the Concrete Cask Heat Removal System for all NAC–MPC No. 1025 casks.

The proposed alternative for implementing TS A 5.3 provides that Surveillance Requirement (SR) 3.1.6.1 is required following off-normal, accident or natural phenomena events. The NAC–MPC Systems in use at an ISFSI shall be inspected in accordance with SR 3.1.6.1 within 4 hours after the occurrence of an off-normal, accident or natural phenomena event in the area of the ISFSI to confirm operability of the CONCRETE CASK Heat Removal System for each NAC–MPC System. Additionally, if a CONCRETE CASK Heat Removal System(s) for one or more NAC–MPC Systems is determined to be inoperable, Required Action A.1 of TS A 3.1.6 requires the licensee to restore the affected Concrete Cask Heat Removal System(s) to an operable condition within 8 hours.

The NAC–MPC Final Safety Analysis Report (FSAR) supports the use of either method defined in SR 3.1.6.1 to establish operability to comply with NAC–MPC TS A 3.1.6 or NAC–MPC TS A 5.3. Section 11.1.1 of the FSAR states, ''Blockage of Half of the Air Inlets would be detected by the daily concrete cask operability inspection, which is performed either by the outlet air temperature measurements or by visual inspection of the inlet and outlet screens for blockage and integrity.''

III. Discussion

Under 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of 10 CFR part 72, provided the exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest. As explained in following paragraphs, the proposed exemption is lawful, will not endanger life or property, or the common defense and security, and is otherwise in the public interest. The ADAMS accession numbers for the applicable documents are:

Document	Date	ADAMS accession No.
Exemption Request	August 31, 2015	ML15254A051
Letter of transmittal	NA	ML16042A395

The Exemption Is Authorized by Law

The exemption would permit the licensee to use either of the inspection methods permitted by NAC–MPC TS A 3.1.6 as an alternative to the single surveillance method in NAC–MPC TS A 5.3. The licensee would conduct a surveillance response within 4 hours after the occurrence of an off-normal, accident, or natural phenomena event, as required by NAC–MPC TS A 5.3, but would be permitted to use either temperature monitoring or visual inspection to ensure the Concrete Cask Heat Removal Systems are within the limiting conditions for operation. The exemption is limited to off-normal, accident, or natural phenomena events, specifically major snow or icing events (snow/ice events that have the potential to or that exceed blockage of greater than one-half of the inlet or outlet vents).

The licensee requested an exemption from the provisions in 10 CFR part 72 that requires the licensee to comply with the terms, conditions, and specifications of the CoC for the approved cask model that it uses. Section 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 72. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and is not inconsistent with NRC regulations or other applicable laws. Therefore, the exemption is authorized by law.

The Exemption Is Consistent With the Common Defense and Security

The requested exemption would allow the licensee to use the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6 as an alternative to the single-method surveillance response in NAC–MPC TS A 5.3. Technical Specifications A 3.1.6 permits *either* visual inspection of the inlet and outlet screens or temperature monitoring to establish the operability of the Concrete Cask Heat Removal System for each NAC–MPC System and to comply with the limiting conditions for operation for TS A 3.1.6. Surveillance Requirement 3.1.6.1 permits temperature monitoring or visual inspection of the inlet and outlet screens to be utilized to establish the operability of the Concrete Cask Heat Removal System for each NAC–MPS System to meet Limiting Condition for Operation 3.1.6. In the event the applicable acceptance criterion of SR 3.1.6.1 is not met, Required Action A.1 requires the licensee to restore the affected Concrete Cask Heat Removal System(s) to an operable condition within 8 hours.

The NRC staff reviewed the licensee's request and finds allowing the use of either visual surveillance of the inlet and outlet screens or temperature monitoring of the inlets and outlets within 4 hours of the occurrence of off-normal, accident, or natural phenomena events, when limited to major snow and icing events, does not compromise safety. The exemption still requires the licensee to perform SR 3.1.6.1 to establish the operability of the Concrete Cask Heat Removal Systems every 24 hours via temperature monitoring or visual inspection of the inlet and outlet screens. In addition, the exemption provides no additional time to complete the required surveillance of the inlets and outlets screens in accordance with TS A 5.3. The use of either method will ensure that adequate air flows past the storage canisters and that heat transfer occurs. For these reasons, NRC the staff found the same level of safety is obtained by using either of the TS A 3.1.6 methods to comply with NAC–MPC TS A 5.3 during limited types off-normal, accident, or natural phenomena.

The NRC staff has determined that the thermal, structural, criticality, retrievability, and radiation protection requirements of 10 CFR part 72 and the offsite dose limits of 10 CFR part 20 will be maintained For these reasons, the NRC staff finds the same level of safety is obtained by using either of the TS A 3.1.6 methods to comply with NAC–MPC TS A 5.3. Therefore, the NRC concludes that the exemption will not endanger life or property or the common defense and security.

The Exemption Presents No Undue Risk to Public Health and Safety

As described in the application, exempting the licensee from visual surveillance of cask inlet and outlet vents within 4 hours of a major snowstorm would allow the licensee to prioritize more effectively important storm-related activities at the HNP site. Snow and ice blockage of the inlet and outlet vents is unusual. Moreover, snow and ice blockages are identified reliably by temperature monitoring of individual casks. The NRC staff recognizes there is a risk to the safety of workers responsible for clearing snow and ice from cask pads during extreme winter conditions when visual surveillance of casks must be undertaken within 4 hours. The NRC staff finds this risk to workers can be reduced by using SR 3.1.6.1 to establish the operability of the Concrete Cask Heat Removal Systems via temperature monitoring or visual inspection of the inlet and outlet screens. In addition, the limiting conditions for operation of the NAC–MPC System require the Concrete Cask Heat Removal System for each cask to be operable during storage operation, therefore ensuring public health and safety are not reduced.

Therefore, the NRC staff finds that allowing the licensee to use the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6 as an alternative to the single-method surveillance response in NAC–MPC TS A 5.3, would reduce worker safety risks to plant workers involved in snow removal. Therefore, granting the exemption is otherwise in the public interest.

Environmental Considerations

The NRC staff evaluated whether there would be significant environmental impacts associated with the issuance of the requested exemption. The NRC staff determined the proposed action fits a category of actions that do not require an environmental assessment or environmental impact statement. The exemption meets the categorical exclusion requirements of 10 CFR 51.22(c)(25)(i)–(vi).

Granting an exemption from the requirements of 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), and 10 CFR 72.214 for the CYAPC ISFSI involves the visual surveillance requirement associated with TS A 5.3. A categorical exclusion for inspection and SRs is provided under 10 CFR 51.22(c)(25)(vi)(C), if the criteria in 10 CFR 51.22(c)(25)(i)–(v) are also satisfied.

The granting of the exemption: (i) Would not involve a significant hazards consideration because it does not reduce a margin of safety, create a new or different kind of accident not previously evaluated, or significantly increase the probability or consequences of an unevaluated accident; (ii) would not create a significant change in the types or significant increase in the amounts of any effluents that may be released offsite because the exemption does not change or produce additional avenues of effluent release; (iii) would not significantly increase individual or cumulative public or occupational radiation exposure because the exemption does not introduce new or increased radiological hazards; (iv) would not result in significant construction impacts because the exemption would not involve construction or other ground disturbing activities, nor change the footprint of the existing ISFSI; (v) would not significantly increase the potential for or consequences from radiological accidents because the exemption requires a surveillance method that ensures the heat removal system of casks is maintained within the limiting conditions for operation; and (vi) the request seeks exemption from inspection or surveillance requirements, specifically, the single-method SR in NAC–MPC TS A 5.3, may be substituted with the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6.

In its review of the exemption request, the staff determined the proposed exemption meets the eligibility criterion for categorical exclusion in 10 CFR 51.22(c)(25). Therefore, there are no significant radiological environmental impacts associated with the proposed action.

IV. Conclusion

The NRC has determined that, under 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC grants CYAPC an exemption from the requirements in 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and to TS A.5.3 for the NAC–MPC System CoC No. 1025 storage casks at the HNP ISFSI. The exemption authorizes the licensee to use the SR, conditions, required actions, and completion times defined in NAC–MPC TS A 3.1.6 to comply with NAC–MPC TS A 5.3 after off-normal, accident, or natural phenomena events, but is specifically limited to major snow or icing events (snow/ice events that have the potential to or that exceed blockage of greater than one-half of the inlet or outlet vents).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of February, 2016.

For the Nuclear Regulatory Commission.

Bernard H. White IV,

Acting Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2016–03590 Filed 2–19–16; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Computer Matching Program

AGENCY: Office of Personnel Management.

ACTION: Notice—computer matching between the Office of Personnel

Management and the Social Security Administration #1045.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 published June 19, 1989), and OMB Circular No. A–130, revised November 28, 2000, ''Management of Federal Information Resources,'' the Office of Personnel Management (OPM) is publishing notice of its new computer matching program with the Social Security Administration (SSA).

DATES: OPM will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will begin 30 days after the **Federal Register** notice has been published or 40 days after the date of OPM's submissions of the letters to Congress and OMB, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. Subsequent matches will run until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

ADDRESSES: Send comments to Deon Mason, Chief, Business Services, Office of Personnel Management, Room 4316, 1900 E. Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Teresa R. Williams on (202) 606–2187.

SUPPLEMENTARY INFORMATION:

A. General

The Privacy Act (5 U.S.C. 552a), as amended, establishes the conditions under which computer matching involving the Federal government could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. Among other things, it requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency for agencies participating in the matching programs;

(2) Obtain the approval of the match agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching;

(5) Verify match findings before reducing, suspending, termination or denying an individual's benefits or payments.

B. OPM Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of OPM's computer matching programs comply with the requirements of the Privacy Act, as amended.

Notice of Computer Matching Program, Office of Personnel Management (OPM) With the Social Security Administration (SSA)

A. Participating Agencies

OPM and SSA.

B. Purpose of the Matching Program

The purpose of this agreement is to establish the conditions under which the Social Security Administration (SSA) will disclose tax return information to the Office of Personnel Management (OPM). OPM will match SSA's data with OPM's records on disability retirees under age 60, disabled adult child survivors, certain retirees in receipt of a supplemental benefit under the Federal Employees Retirement System (FERS), and certain annuitants receiving a discontinued service retirement benefit under the Civil Service Retirement System (CSRS). Law limits the amount these retirees, survivors, and annuitants can earn while retaining benefits paid to them. Retirement benefits cease upon re-employment in Federal service for discontinued service annuitants. OPM will use SSA data to determine continued eligibility for benefits.

C. Authority for Conducting the Matching Program

Chapters 83 and 84 of title 5 of the United States Code provide the basis for computing annuities under CSRS and FERS, respectively, and require release of information by SSA to OPM in order to administer data exchanges involving military service performed by an individual after December 31, 1956. The CSRS requirement is codified at section 8332(j) of title 5 of the United States Code; the FERS requirement is codified at section 8422(e)(4) of title 5 of the United States Code. The responsibilities of SSA and OPM with respect to information obtained pursuant to this agreement are also in accordance with the following: the Privacy Act (5 U.S.C. 552a), as amended; section 307 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253), codified at section 8332 Note of title 5 of the United States Code; section 1306(a) of title 42 of the United States Code; and section 6103(1)(11) of title 26 of the United States Code.

D. Categories of Records and Individuals Covered by the Match

SSA will disclose data from its MBR file (60–0090, Master Beneficiary Record, SSA/OEEAS) and MEF file (60–0059, Earnings Recording and Self-Employment Income System, SSA/OEEAS) and manually-extracted military wage information from SSA's ''1086'' microfilm file when required (71 FR 1796, January 11, 2006). OPM will provide SSA with an electronic finder file from the OPM system of records published as OPM/Central-1 (Civil Service Retirement and Insurance Records) last published on March 20, 2008 (73 FR 15014). The system of records involved have routine uses permitting the disclosures needed to conduct this match.

E. Privacy Safeguards and Security

The Privacy Act (5 U.S.C. 552a(o)(1)(G)) requires that each matching agreement specify procedures for ensuring the administrative, technical and physical security of the records matched and the results of such programs.

All Federal agencies are subject to: The Federal Information Security Management Act of 2002 (FISMA) (44 U.S.C. 3541 *et seq.*); related OMB circulars and memorandum (*e.g.,* OMB Circular A–130 and OMB M–06–16); National Institute of Science and Technology (NIST) directives; and the Federal Acquisition Regulations (FAR). These laws, circulars, memoranda directives and regulations include requirements for safeguarding Federal information systems and personally identifiable information used in Federal agency business processes, as well as related reporting requirements. OPM and SSA recognize that all laws, circulars, memoranda, directives and regulations relating to the subject of this agreement and published subsequent to the effective date of this agreement must also be implemented if mandated.

FISMA requirements apply to all Federal contractors and organizations or sources that possess or use Federal information, or that operate, use, or have access to Federal information systems on behalf of an agency. OPM will be responsible for oversight and compliance of their contractors and agents. Both OPM and SSA reserve the right to conduct onsite inspection to monitor compliance with FISMA regulations.

F. Inclusive Dates of the Match

The matching program shall become effective upon the signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of this matching program is sent to Congress and the Office of Management and Budget or 30 days after publication of this notice in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–03578 Filed 2–19–16; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: It's Time To Sign Up for Direct Deposit or Direct Express, RI 38–128, 3206–0226

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR) 3206–0226, It's Time to Sign Up for Direct Deposit or Direct Express. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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.

DATES: Comments are encouraged and will be accepted until April 22, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Retirement Services 1900 E Street NW., Room 2347E, Washington, DC 20415, Attention: Alberta Butler or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, U.S. Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: RI 38–128 is primarily used by OPM to give recent retirees the opportunity to waive Direct Deposit of their annuity payments. The form is sent only if the separating agency did not give the retiring employee this election opportunity. This form may also be used to enroll in Direct Deposit, which was its primary use before Public Law 104–134 was passed. This law requires OPM to make all recurring benefits payments electronically to beneficiaries who live where Direct Deposit is available. Beneficiaries who do not enroll in the Direct Deposit Program will be enrolled in Direct Express.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: It's Time to Sign Up for Direct Deposit or Direct Express.

OMB Number: 3206–0226.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 20,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 10,000.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–03586 Filed 2–19–16; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0174, Survivor Annuity Election for a Spouse, RI 20–63; Cover Letter Giving Information About the Cost To Elect Less Than the Maximum Survivor Annuity, RI 20–116; Cover Letter Giving Information About the Cost To Elect the Maximum Survivor Annuity, RI 20–117

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension without change, of a currently approved information collection request (ICR) 3206–0174, Survivor Annuity Election for a Spouse (RI 20–63), Cover Letter Giving Information about the Cost to Elect Less Than the Maximum Survivor Annuity (RI 20–116) and Cover Letter Giving Information About the Cost to Elect the Maximum Survivor Annuity (RI 20–117). As required by the Paperwork Reduction Act of 1995 (Pub. Law 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until April 22, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be

obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM'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.

RI 20–63 is used by annuitants to elect a reduced annuity with a survivor annuity for their spouse.

RI 20–116 is a cover letter for RI 20–63 giving information about the cost to elect less than the maximum survivor annuity. This letter is used to supply the information that may have been requested by the annuitant about the cost of electing less than the maximum survivor annuity.

RI 20–117 is a cover letter for RI 20–63 giving information about the cost to elect the maximum survivor annuity.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Survivor Annuity Election for a Spouse/Cover Letter Giving Information about the Cost to Elect Less Than the Maximum Survivor Annuity/Cover Letter Giving Information about the Cost to Elect the Maximum Survivor Annuity.

OMB Number: 3206–0174.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: RI 20–63= 2,200; RI 20–116 & RI 20–117 = 200.

Estimated Time per Respondent: 55 minutes [RI 20–63 = 45 min., RI 20–116 & 20–117 = 10 min.].

Total Burden Hours: 1,834.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–03584 Filed 2–19–16; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0134, Application To Make Deposit or Redeposit (CSRS), SF 2803, and Application To Make Service Credit Payment for Civilian Service (FERS), SF 3108

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR) 3206–0134, Application to Make Deposit or Redeposit (CSRS) and Application to Make Service Credit Payment for Civilian Service (FERS). As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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.

DATES: Comments are encouraged and will be accepted until April 22, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Retirement Services, 1900 E Street NW., Room 2347E, Washington, DC 20415, Attention: Alberta Butler or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: SF 2803, Application to Make Deposit or Redeposit (CSRS) and SF 3108, Application to Make Service Credit Payment for Civilian Service (FERS), are applications to make payment used by persons who are eligible to pay for Federal service which was not subject to retirement deductions and/or for Federal service which was not subject to retirement deductions which were subsequently refunded to the applicant.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application to Make Deposit or Redeposit (CSRS), and Application to Make Service Credit Payment for Civilian Service (FERS).

OMB Number: 3206–0134.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 150.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 75.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–03585 Filed 2–19–16; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

January 2016 Pay Schedules

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: The President has signed an Executive order to implement the January 2016 pay adjustments for

certain Federal civilian employees. The Executive order authorizes a 1-percent across-the-board increase for statutory pay systems and locality pay increases costing approximately 0.3 percent of basic payroll, reflecting an overall average pay increase of 1.3 percent. This is consistent with the President's alternative pay plan issued under 5 U.S.C. 5303(b) on August 28, 2015, and the President's alternative pay plan issued under 5 U.S.C. 5304a on November 30, 2015. This notice serves as documentation for the public record.

FOR FURTHER INFORMATION CONTACT: Lisa Dismond, Pay and Leave, Employee Services, U.S. Office of Personnel Management; (202) 606–2858 or *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On December 18, 2015, the President signed Executive Order 13715 (80 FR 80193), which implemented the January 2016 pay adjustments. The Executive order provides an overall average pay increase of 1.3 percent for the statutory pay systems.

The publication of this notice satisfies the requirement in section 5(b) of Executive Order 13715 that the U.S. Office of Personnel Management (OPM) publish appropriate notice of the 2016 locality payments in the **Federal Register**.

Schedule 1 of Executive Order 13715 provides the rates for the 2016 General Schedule (GS) and reflects a 1-percent increase from 2015. Executive Order 13715 also includes the percentage amounts of the 2016 locality payments. (See Section 5 and Schedule 9 of Executive Order 13715.)

GS employees receive locality payments under 5 U.S.C. 5304. Locality payments apply in the United States (as defined in 5 U.S.C. 5921(4)) and its territories and possessions. On October 27, 2015, OPM published a final rule in the **Federal Register** on behalf of the President's Pay Agent establishing 13 new locality pay areas and adding a number of counties to the definitions of current locality pay areas. The changes are applicable the first day of the first applicable pay period beginning on or after January 1, 2016 (January 10, 2016, based on the standard biweekly payroll cycle). The final rule can be found at *http://www.gpo.gov/fdsys/pkg/FR-2015-10-27/pdf/2015-27380.pdf.* In 2016, locality payments ranging from 14.35 percent to 35.75 percent apply to GS employees in the 47 locality pay areas. The 2016 locality pay area definitions can be found at: *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2016/locality-pay-area-definitions/.*

The 2016 locality pay percentages became effective on the first day of the first pay period beginning on or after January 1, 2016 (January 10, 2016). An employee's locality rate of pay is computed by increasing his or her scheduled annual rate of pay (as defined in 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.609.)

Executive Order 13715 establishes the new Executive Schedule (EX), which incorporates a 1-percent increase required under 5 U.S.C. 5318 (rounded to the nearest $100). By law, Executive Schedule officials are not authorized to receive locality payments.

Executive Order 13715 establishes the 2016 range of rates of basic pay for members of the Senior Executive Service (SES) under 5 U.S.C. 5382. The minimum rate of basic pay for the SES is $123,175 in 2016. The maximum rate of the SES rate range is $185,100 (level II of the Executive Schedule) for SES members who are covered by a certified SES performance appraisal system and $170,400 (level III of the Executive Schedule) for SES members who are not covered by a certified SES performance appraisal system.

The minimum rate of basic pay for the senior-level (SL) and scientific and professional (ST) rate range was increased by 1 percent ($123,175 in 2016), which is the amount of the across-the-board GS increase. The applicable maximum rate of the SL/ST rate range is $185,100 (level II of the Executive Schedule) for SL or ST employees who are covered by a certified SL/ST performance appraisal system and $170,400 (level III of the Executive Schedule) for SL or ST employees who are not covered by a certified SL/ST performance appraisal system. Agencies with certified performance appraisal systems for SES members and employees in SL and ST positions also must apply a higher aggregate limitation on pay—up to the Vice President's salary ($237,700 in 2016.)

Note: Section 738 of title VII of Division E of the Consolidated Appropriations Act, 2016 (Pub. L. 114–113, December 18, 2015), contains a provision that continues the freeze on the payable pay rates for the Vice President and certain senior political appointees at 2013 levels during calendar year 2016. Executive Order 13715 shows the official pay rates (or ranges) for the Vice President, Executive Schedule positions, and certain other positions occupied by employees affected by the pay freeze. These official statutory rates of pay for the Vice President and Executive Schedule positions are used in determining the rate ranges and aggregate pay limitations for employees and pay systems unaffected by the pay freeze.

Executive Order 13715 provides that the rates of basic pay for administrative law judges (ALJs) under 5 U.S.C. 5372 are increased by 1 percent, rounded to the nearest $100 in 2016. The rate of basic pay for AL–1 is $160,300 (equivalent to the rate for level IV of the Executive Schedule). The rate of basic pay for AL–2 is $156,300. The rates of basic pay for AL–3/A through 3/F range from $107,000 to $148,100.

The rates of basic pay for members of Contract Appeals Boards are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372a.) Therefore, these rates of basic pay are increased by 1 percent in 2016.

On November 20, 2015, OPM issued a memorandum on behalf of the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and OPM) that continues GS locality payments for ALJs and certain other non-GS employee categories in 2016. By law, EX officials, SES members, employees in SL/ST positions, and employees in certain other equivalent pay systems are not authorized to receive locality payments. (**Note:** An exception applies to certain grandfathered SES, SL, and ST employees stationed in a nonforeign area on January 2, 2010. See CPM 2009–27: *https://www.chcoc.gov/content/nonforeign-area-retirement-equity-assurance-act.*) The memo is available at *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/continuation-of-locality-payments-for-non-general-schedule-employees.pdf.*

On December 18, 2015, OPM issued a memorandum (CPM 2015–14) on the January 2016 pay adjustments. (See *https://www.chcoc.gov/content/january-2016-pay-adjustments-0.*) The memorandum transmitted Executive Order 13715 and provided the 2016 salary tables, locality pay areas and percentages, and information on general pay administration matters and other related information. The ''2016 Salary Tables'' posted on OPM's Web site at *http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/* are the official rates of pay for affected employees and are hereby incorporated as part of this notice.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–03577 Filed 2–19–16; 8:45 am]

BILLING CODE P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: RI 25–15, Notice of Change in Student's Status, 3206–0042

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0042, Notice of Change in Student's Status. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on September 1, 2015 at Volume 80 FR 52809 allowing for a 60-day public comment period. No comments were received for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 23, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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.

RI 25–15, Notice of Change in Student's Status, is used to collect sufficient information from adult children of deceased Federal employees or annuitants to assure that the child continues to be eligible for payments from OPM.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Notice of Change in Student's Status.

OMB: 3206–0042.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,500.

Estimated Time per Respondent: 20.

Total Burden Hours: 835.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–03587 Filed 2–19–16; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–101; Order No. 3079]

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 23, 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 Commission Action
III. Ordering Paragraphs

I. Introduction

On February 12, 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. CP2016–101 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 23, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lydumila Y. Bzhilyanskaya to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–101 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya 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 23, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

[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 12, 2016 (Notice).

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–03494 Filed 2–19–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–3; Order No. 3078]

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 146 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 23, 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 12, 2016, the Postal Service filed notice that it has agreed to an amendment to the existing Priority Mail Contract 146 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the 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 provides for a change in prices under the contract by replacing Sections I.E, I.G, and I.H. *See id.* Attachment A at 1.

The Postal Service intends for the amendment to become effective 1 business day 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 at 1.

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 23, 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. CP2016–3 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 23, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–03493 Filed 2–19–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–1; Order No. 3080]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Parcel Select & Parcel Return Service Contract 5 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 23, 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

On February 12, 2016, the Postal Service filed notice that it has agreed to an amendment to the existing Parcel Select & Parcel Return Service Contract 5 negotiated service agreement approved in this docket (Existing Agreement).[1] In support of its Notice, the Postal Service includes a redacted copy of the 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 restates and amends various sections of the Existing Agreement. *Id.* Attachment A at 1.

The Postal Service intends for the amendment to become effective one business day 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. Notice, 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 23, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Contract 146, February 12, 2016 (Notice).

[1] Notice of United States Postal Service of Amendment to Parcel Select and Parcel Return Service Contract 5, February 12, 2016 (Notice).

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. CP2014–1 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 23, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–03495 Filed 2–19–16; 8:45 am]

BILLING CODE 7710–FW–P

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:

Regulation S–ID, SEC File No. 270–644, OMB Control No. 3235–0692.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation S–ID (17 CFR 248), including the information collection requirements thereunder, is designed to better protect investors from the risks of identity theft. Under Regulation S–ID, SEC-regulated entities are required to develop and implement reasonable policies and procedures to identify, detect, and respond to relevant red flags (the ''Identity Theft Red Flags Rules'') and, in the case of entities that issue credit or debit cards, to assess the validity of, and communicate with cardholders regarding, address changes. Section 248.201 of Regulation S–ID includes the following information collection requirements for each SEC-regulated entity that qualifies as a ''financial institution'' or ''creditor'' under Regulation S–ID and that offers or maintains covered accounts: (i) Creation and periodic updating of an identity theft prevention program (''Program'') that is approved by the board of directors, an appropriate committee thereof, or a designated senior management employee; (ii) periodic staff reporting to the board of directors on compliance with the Identity Theft Red Flags Rules and related guidelines; and (iii) training of staff to implement the Program. Section 248.202 of Regulation S–ID includes the following information collection requirements for each SEC-regulated entity that is a credit or debit card issuer: (i) Establishment of policies and procedures that assess the validity of a change of address notification if a request for an additional or replacement card on the account follows soon after the address change; and (ii) notification of a cardholder, before issuance of an additional or replacement card, at the previous address or through some other previously agreed-upon form of communication, or alternatively, assessment of the validity of the address change request through the entity's established policies and procedures.

SEC staff estimates of the hour burdens associated with section 248.201 under Regulation S–ID include the one-time burden of complying with this section for newly-formed SEC-regulated entities, as well as the ongoing costs of compliance for all SEC-regulated entities. With respect to the one-time burden hours, staff estimates that each newly-formed financial institution or creditor would incur a burden of 2 hours to conduct an initial assessment of covered accounts. Staff estimates that approximately 644 SEC-regulated financial institutions and creditors are newly formed each year, and the total estimated one-time burden to initially assess covered accounts is therefore 1,288 hours. Staff also estimates that each financial institution or creditor that maintains covered accounts would incur an additional initial burden of 29 hours to develop and obtain board approval of a Program and to train the staff of the financial institution or creditor. Staff estimates that approximately 580 SEC-regulated financial institutions and creditors that maintain covered accounts are newly formed each year, and thus the total estimated one-time burden to develop and obtain board approval of a Program and train staff is 16,820 hours. Thus, the total initial estimated burden for all newly-formed SEC-regulated entities is 18,108 hours (1,288 hours + 16,820 hours).

With respect to ongoing annual burden hours, SEC staff estimates that each financial institution or creditor would incur a burden of 1 hour to periodically assess whether it offers or maintains covered accounts. Staff estimates that there are approximately 9,960 SEC-regulated entities that are either financial institutions or creditors, and the total estimated annual burden to periodically assess covered accounts is therefore 9,960 hours. Staff also estimates that each financial institution or creditor that maintains covered accounts would incur an additional annual burden of 9.5 hours to prepare and present an annual report to the board and to periodically review and update the Program. Staff estimates that there are approximately 8,964 SEC-regulated entities that are financial institutions or creditors that offer or maintain covered accounts, and thus the total estimated additional annual burden for these entities is 85,158 hours. Thus, the total ongoing annual estimated burden for all SEC-regulated entities is 95,118 hours (9,960 hours + 85,158 hours).

The collections of information required by section 248.202 under Regulation S–ID will apply only to SEC-regulated entities that issue credit or debit cards. SEC staff understands that SEC-regulated entities generally do not issue credit or debit cards, but instead partner with other entities, such as banks, that issue cards on their behalf. These other entities, which are not regulated by the SEC, are already subject to substantially similar change of address obligations pursuant to other federal regulators' identity theft red flags rules. Therefore, staff does not expect that any SEC-regulated entities will be subject to the information collection requirements of section 248.202, and accordingly, staff estimates that there is no hour burden related to section 248.202 for SEC-regulated entities.

In total, SEC staff estimates that the aggregate annual information collection burden of Regulation S–ID is 113,226 hours (18,108 hours + 95,118 hours). This estimate of burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a quantitative, comprehensive, or even representative survey or study of the burdens associated with Commission rules and forms. Compliance with Regulation S–ID, including compliance with the information collection requirements thereunder, is mandatory for each SEC-regulated entity that

qualifies as a ''financial institution'' or ''creditor'' under Regulation S–ID (as discussed above, certain collections of information under Regulation S–ID are mandatory only for financial institutions or creditors that offer or maintain covered accounts). Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the 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 send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 16, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–03519 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request;

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 0–2, SEC File No. 270–572, OMB Control No. 3235–0636.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Several sections of the Investment Company Act of 1940 (''Act'' or ''Investment Company Act'')[1] give the Commission the authority to issue orders granting exemptions from the Act's provisions. The section that grants broadest authority is section 6(c), which provides the Commission with authority to conditionally or unconditionally exempt persons, securities or transactions from any provision of the Investment Company Act, or the rules or regulations thereunder, if and to the extent that 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.[2]

Rule 0–2 under the Investment Company Act,[3] entitled ''General Requirements of Papers and Applications,'' prescribes general instructions for filing an application seeking exemptive relief with the Commission for which a form is not specifically prescribed. Rule 0–2 requires that each application filed with the commission have (a) a statement of authorization to file and sign the application on behalf of the applicant, (b) a verification of application and statements of fact, (c) a brief statement of the grounds for application, and (d) the name and address of each applicant and of any person to whom questions should be directed. The Commission uses the information required by rule 0–2 to decide whether the applicant should be deemed to be entitled to the action requested by the application.

Applicants for orders can include registered investment companies, affiliated persons of registered investment companies, and issuers seeking to avoid investment company status, among other entities. Commission staff estimates that it receives approximately 184 applications per year under the Act. Although each application typically is submitted on behalf of multiple entities, the entities in the vast majority of cases are related companies and are treated as a single respondent for purposes of this analysis.

The time to prepare an application depends on the complexity and/or novelty of the issues covered by the application. We estimate that the Commission receives 25 of the most time-consuming applications annually, 125 applications of medium difficulty, and 34 of the least difficult applications. Based on conversations with applicants, we estimate that in-house counsel would spend from ten to fifty hours helping to draft and review an application. We estimate a total annual hour burden to all respondents of 5,340 hours [(50 hours × 25 applications) + (30 hours × 125 applications) + (10 hours × 34 applications)].

Much of the work of preparing an application is performed by outside counsel. The cost outside counsel charges applicants depends on the complexity of the issues covered by the application and the time required for preparation. Based on conversations with attorneys who serve as outside counsel, the cost ranges from approximately $10,000 for preparing a well-precedented, routine application to approximately $150,000 to prepare a complex and/or novel application. This distribution gives a total estimated annual cost burden to applicants of filing all applications of $14,090,000 [(25 × $150,000) + (125 × $80,000) + (34 × $10,000)].

We request written comment on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 16, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–03520 Filed 2–19–16; 8:45 am]

BILLING CODE P

[1] 15 U.S.C. 80a–1 *et seq.*

[2] 15 U.S.C. 80a–6(c).

[3] 17 CFR 270.0–2.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77147; File No. SR–EDGX–2016–04]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Certificate of Incorporation and Bylaws of the Exchange's Ultimate Parent Company, BATS Global Markets, Inc.

February 16, 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 9, 2016, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the certificate of incorporation and bylaws of the Exchange's ultimate parent company, BATS Global Markets, Inc. (the ''Corporation'').

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

On December 16, 2015, the Corporation, the ultimate parent company of the Exchange, filed a registration statement on Form S–1 with the Commission seeking to register shares of common stock and to conduct an initial public offering of those shares, which will be listed for trading on BATS Exchange, Inc. (the ''IPO''). In connection with its IPO, the Corporation intends to (i) amend and restate its current certificate of incorporation (the ''Current Certificate of Incorporation'') and adopt these changes as its Amended and Restated Certificate of Incorporation (the ''New Certificate of Incorporation''), and (ii) amend and restate its current bylaws (the ''Current Bylaws'') and adopt these changes as its Amended and Restated Bylaws (the ''New Bylaws''). It is anticipated that the New Certificate of Incorporation and the New Bylaws will become effective (the ''Effective Date'') the moment before the closing of the IPO.

The amendments to the Current Certificate of Incorporation include, among other things, (i) increasing the total number of authorized shares of capital stock of the Corporation, (ii) effecting a conversion and elimination of one class of non-voting common stock and reclassifying the remaining class of non-voting common stock, (iii) establishing a classified board structure, (iv) prohibiting cumulative voting in the election of directors, (v) eliminating the process for action by written consent of stockholders, (vi) revising certain requirements for approval of future amendments to the New Certificate of Incorporation, and (vii) and changing the name of the Corporation from ''BATS Global Markets, Inc.'' to ''Bats Global Markets, Inc.''

The amendments to the Current Bylaws include, among other things, (i) revising the procedures for stockholder proposals and nomination of directors, (ii) revising the authority to call special meetings of the stockholders, (iii) eliminating the process for action by written consent of stockholders, (iv) establishing a classified board structure, (v) revising the requirements for removal of directors, (vi) removing duplicative provisions relating to the indemnification of officers and directors that are contained in the Current Certificate of Incorporation (and are proposed to be maintained in the New Certificate of Incorporation), (vii) revising certain requirements for approval of future amendments to the New Bylaws, (viii) eliminating the authority to make loans to corporate officers, and (ix) changes to reflect the change of the Corporation's name. The amendments to the Corporation's Current Certificate of Incorporation and Current Bylaws are intended primarily to reflect (i) the adoption of provisions more customary for publicly-owned companies, (ii) changes to the Corporation's capital structure, specifically with respect to non-voting common stock, and (iii) stylistic and other non-substantive changes.[3]

The purpose of this rule filing is to submit for Commission approval the New Certificate of Incorporation and the New Bylaws. The changes described herein relate to the certificate of incorporation and bylaws of the Corporation only, not to the governance of the Exchange. The Exchange will continue to be governed by its existing certificate of incorporation and bylaws. The stock in, and voting power of, the Exchange will continue to be directly and solely held by Direct Edge LLC, an intermediate holding company wholly-owned by the Corporation.

The Corporation was originally formed as BATS Global Markets Holdings, Inc. on August 22, 2013 as a new ultimate holding company for the Exchange as a result of a business combination involving the ultimate holding company of the Exchange at the time and the ultimate holding company at the time of BATS Exchange, Inc. and BATS Y-Exchange, Inc.[4]

1. The New Certificate of Incorporation

a. Capital Stock; Voting Rights

The current capital structure of the Corporation is comprised of 75 million authorized shares of Common Stock,

[3] Certain of the amendments proposed to be adopted in the New Certificate of Incorporation and New Bylaws were previously approved by the Commission in 2011 as part of proposed amendments to the certificate of incorporation and bylaws of the ultimate parent company of BATS Exchange, Inc. and BATS Y-Exchange Inc. at the time. *See, e.g.,* Securities Exchange Act Release No. 65646 (October 27, 2011), 76 FR 67783 (November 2, 2011) (SR–BATS–2011–033); Securities Exchange Act Release No. 65728 (November 10, 2011), 76 FR 71411 (November 17, 2011) (SR–BATS–2011–035). Although approved, the Exchange understands that these amendments were not ultimately implemented.

[4] The ownership structure of the Exchange at the time of the business combination and the Current Certificate of Incorporation and Current Bylaws of the Corporation are further described in the Commission's order approving the Exchange's proposed rule changes in connection with the Corporation's business combination with Direct Edge Holdings LLC. *See* Securities Exchange Act Release No. 71449; (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

consisting of 55 million shares of Voting Common Stock, 10 million shares of Class A Non-Voting Common Stock and 10 million shares of Class B Non-Voting Common Stock. Article Fourth(a)(i) of the New Certificate of Incorporation would revise this capital structure such that there would be 150 million total authorized shares of capital stock, consisting of 125 million shares designated as Voting Common Stock and a single class of 10 million shares designated as Non-Voting Common Stock (together with Voting Common Stock, ''Common Stock''), as well as 15 million shares of Preferred Stock.

The Corporation's existing Class A Non-Voting Common Stock is currently held by International Securities Exchange Holdings, Inc. (''ISE Holdings''). Pursuant to the Investor Rights Agreement dated January 31, 2014, among the Corporation and its stockholders signatory thereto (the ''Investor Rights Agreement''), and the Current Certificate of Incorporation, ISE Holdings' shares of Class A Non-Voting Common Stock may convert into Voting Common Stock (i) automatically with respect to any shares transferred to persons other than related persons of ISE Holdings; (ii) upon the termination of the Investor Rights Agreement, with such agreement (other than with respect to registration rights) terminating upon the IPO; or (iii) automatically with respect to any shares of Class A Non-Voting Common Stock sold by ISE Holdings in any public offering of the stock of the Corporation. In addition, ISE Holdings' shares of Class A Non-Voting Common Stock may convert into Voting Stock at the option of ISE Holdings, provided that ISE Holdings furnishes to the Corporation a written notice stating that ISE Holdings desires to convert a stated number of shares of Class A Non-Voting Common Stock and the certificates representing such shares.[5]

As a result of these conversion rights, the Corporation expects the Class A Non-Voting Common Stock to convert into Voting Common Stock at the time of the IPO. To effect this conversion, Article Fourth(b)(i) of the New Certificate of Incorporation states that, at the time that the New Certificate of Incorporation becomes effective (the ''Effective Time''),[6] each authorized, issued and outstanding share of Class A Non-Voting Common Stock shall be automatically converted into one share of Voting Common Stock. To simplify the capital structure of the Corporation, Article Fourth(b)(ii) would reclassify each authorized, issued and outstanding share of Class B Non-Voting Common Stock into one share of Non-Voting Common Stock.[7]

Pursuant to Article Fourth(c) of the New Certificate of Incorporation, as proposed to be adopted, all voting power will be vested in Voting Common Stock (except with regard to certain matters relating to the rights of holders of Preferred Stock described below). Specifically, each holder of Voting Common Stock will be entitled to one vote for each share of Voting Common Stock held of record by such holder on all matters on which stockholders generally are entitled to vote. Shares of Non-Voting Common Stock are non-voting, except with regard to certain matters that would adversely affect their respective rights as described in the proposed amendments to Article Fourth(c)(ii) of the New Certificate of Incorporation.

Pursuant to Article Fourth(d) of the New Certificate of Incorporation, Non-Voting Common Stock will generally have the conversion features that previously applied to Class B Non-Voting Common Stock under the Current Certificate of Incorporation. Non-Voting Common Stock will be convertible into Voting Common Stock, on a one-to-one basis, following a ''Qualified Transfer,'' as defined in Article Fourth(d)(i).[8] Voting Common Stock will not be convertible into Non-Voting Common Stock.

Except for voting rights and certain conversion features, as described above, Non-Voting Common Stock and Voting Common Stock will generally rank equally and have identical rights and privileges. Because the IPO is expected to be a widely distributed public offering registered pursuant to the Securities Act of 1933 (15 U.S.C. 77a.), the Corporation expects it to be a ''Qualified Transfer,'' for purposes of the conversion feature of the Non-Voting Common Stock,[9] such that any shares of Non-Voting Common Stock sold in the IPO would convert to Voting Common Stock. As a result, purchasers of the Corporation's common stock in the IPO will receive only Voting Common Stock.

Proposed Article Fourth(a)(i) of the New Certificate of Incorporation would increase the Corporation's authorized shares in order to accommodate the reclassification of Class A Non-Voting Common Stock and Class B Non-Voting Common Stock discussed above, while providing sufficient additional authorized shares for future issuances, such as, for example, grants of equity to employees pursuant to a compensation plan.

b. Board of Directors

Article Sixth of the New Certificate of Incorporation would amend certain provisions relating to the Corporation's board of directors to add further specificity and detail, and effect a number of changes to the board of directors of the Corporation.

Article Sixth(a) of the New Certificate of Incorporation would explicitly specify that the business and affairs of the Corporation shall be managed by or under the board of directors and empower the board of the directors to do all such acts and things as may be exercised or done by the Corporation. This provision is intended to restate the power of the Corporation's board in accordance with the General Corporation Law of the State of Delaware, as amended (''Delaware Law'').[10]

Article Sixth(c) of the New Certificate of Incorporation would establish a ''staggered'' or classified board structure in which the directors would be divided into three classes of equal size, to the extent possible. Only one class of directors would be elected each year,

[5] *See* Current Certificate of Incorporation, Art. Fourth, para. (c); Investor Rights Agreement, Section 2.2(j).

[6] It is anticipated that the Effective Time will coincide with the date of the closing of the IPO and will occur immediately prior thereto.

[7] The Exchange understands that the existing Class B Non-Voting Common Stock is, and the Non-Voting Common Stock upon conversion will be, held by certain persons subject to restrictions under the Bank Holding Company Act of 1956 on the extent to which they are permitted to own voting stock of the Corporation or certain types of non-voting stock convertible into voting stock of the Corporation.

[8] A ''Qualified Transfer'' is defined as a sale or other transfer of Non-Voting Common Stock by a holder of such shares: (A) In a widely distributed public offering registered pursuant to the Securities Act of 1933 (15 U.S.C. 77a.); (B) in a private sale or transfer in which the relevant transferee (together with its Affiliates, as defined below, and other transferees acting in concert with it) acquires no more than two percent of any class of voting shares (as defined in 12 CFR 225.2(q)(3) and determined by giving effect to any such permitted conversion of transferred shares of Non-Voting Common Stock upon such transfer pursuant to Article Fourth of the New Certificate of Incorporation); (C) to a transferee that (together with its Affiliates and other transferees acting in concert with it) owns or controls more than 50 percent of any class of voting shares (as defined in 12 CFR 225.2(q)(3)) of the Corporation without regard to any transfer of shares from the transferring holder of shares of Non-Voting Common Stock; or (D) to the Corporation. As used above, the term ''Affiliate'' means, with respect to any person, any other person directly or indirectly controlling, controlled by or under common control with such person, and ''control'' (including, with correlative meanings, the terms ''controlled by'' and ''under common control with'') has the meaning set forth in 12 CFR 225.2(e)(1).

[9] *See* New Certificate of Incorporation, Art. Fourth(d)(i).

[10] *See* Delaware Law Section 141(a).

and once elected, directors would serve a three-year term. Directors initially designated as Class I directors would serve for a term ending on the date of the 2017 annual meeting of stockholders, directors initially designated as Class II directors would serve for a term ending on the date of the 2018 annual meeting of stockholders, and directors initially designated as Class III directors would serve for a term ending on the date of the 2019 annual meeting of stockholders. The names and addresses of each of the directors initially classified as Class I, Class II and Class III directors are set forth in Article Sixth(c)(ii) of the New Certificate of Incorporation. The Exchange believes that such a classified board structure is common for publicly-held companies, as it has the effect of making hostile takeover attempts more difficult.

Pursuant to Article Sixth(d) of the New Certificate of Incorporation, cumulative voting in the election of directors will be prohibited. If the Corporation were to permit cumulative voting, stockholders would be entitled to as many votes as are equal to the number of voting shares it holds, multiplied by the number of director seats up for election to the board of directors, and such stockholder may allocate all of its votes to one or more directorial candidates, as the stockholder desires. In contrast, in ''regular'' or ''statutory'' voting (*i.e.,* when cumulative voting is prohibited), stockholders may not vote more than one vote per share to any single director nominee. The Exchange believes that cumulative voting is inappropriate for the ultimate parent company of a national securities exchange, as it would increase the likelihood that a stockholder or group of stockholders holding only a minority of voting shares would be able to exert an outsized influence in the election of directors of the Corporation, relative to its stockholdings in the Corporation. As a result, cumulative voting could undermine the limitations on concentrations of ownership or voting included in both the Current Certificate of Incorporation and New Certificate of Incorporation.[11]

c. Transfer, Ownership and Voting Restrictions

The transfer, ownership and voting restrictions set forth in Article Fifth of the Corporation's Current Certificate of Incorporation would be retained in the New Certificate of Incorporation. Article Fifth of the Corporation's Current Certificate of Incorporation provides that for so long as the Corporation controls, directly or indirectly, a national securities exchange, subject to certain exceptions, (i) no person, either alone or together with its ''Related Persons'' (as defined therein), may own, directly or indirectly, of record or beneficially, shares constituting more than 40 percent of any class of the Corporation's capital stock, (ii) no member of such a national securities exchange, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than 20 percent of any class of the Corporation's capital stock, and (iii) no person, either alone or together with its Related Persons, at any time, may, directly, indirectly or pursuant to any of various arrangements, vote or cause the voting of shares or give any consent or proxy with respect to shares representing more than 20 percent of the voting power of the Corporation's then issued and outstanding capital stock.

In the case of shares of the Corporation purportedly transferred in violation of the limitations contained in Article Fifth, in addition to other remedies provided under Article Fifth(d),[12] Article Fifth(e) of the Current Certificate of Incorporation provides that the Corporation may redeem the shares sold, transferred, assigned, pledged, or owned in violation of Article Fifth for a price equal to the fair market value of those shares.

These limitations and remedies are designed to prevent any stockholder from exercising undue influence over the Corporation's national securities exchange subsidiaries. As a result, these limitations and remedies would be retained in the New Certificate of Incorporation. However, in the case of the redemption of shares purportedly transferred in violation of Article Fifth, the Current Certificate of Incorporation does not specify the manner of determining the fair market value. In order to enhance this remedy and provide clarity in the event that it is necessary to enforce it, Article Fifth(e) of the New Certificate of Incorporation is proposed to be amended to provide that the fair market value would be determined as the volume-weighted average price per share of the Common Stock during the five business days immediately preceding the date of the redemption.

d. Future Amendments to the Certificate of Incorporation

Article Twelfth of the Current Certificate of Incorporation requires that any proposed amendment to the Current Certificate of Incorporation be approved by the board of directors of the Corporation, submitted to the Board of Directors of the Exchange and filed with, or filed with and approved by, the Commission, if required under Section 19 of the Act. Provided that these conditions are satisfied, the Current Certificate of Incorporation can be amended in any manner permitted by Delaware Law, which today generally allows for the amendment of a certificate of incorporation by the affirmative vote of the majority of the outstanding stock entitled to vote thereon. Pursuant to proposed Article Fourteenth(a) of the New Certificate of Incorporation, certain provisions of the New Certificate of Incorporation would only be able to be amended upon the affirmative vote of not less than 66⅔ percent of the total voting power of the Corporation's outstanding securities entitled to vote generally in the election of directors, voting together as a single class. These provisions include Article Fourth(c) and (d), relating to voting rights and conversion of Non-Voting Common Stock, and Articles Fifth through Thirteenth, relating to limitations on transfer, ownership and voting, board of directors, duration of the Corporation, adopting, amending or repealing bylaws, indemnification and limitation of director liability, meetings of stockholders, forum selection, compromise or other arrangement, Section 203 opt-in (discussed below), and amendments to the certificate of incorporation, respectively.

The purpose of this supermajority requirement, which the Exchange believes is common among public companies, is to deter actions being taken that the Corporation believes may be detrimental to the Corporation, including any actions that could detrimentally affect the Corporation's ability to comply with its unique responsibilities under the Act as the ultimate parent of four registered national securities exchanges. The purpose for limiting the application of the supermajority voting requirement to certain specified provisions of the certificate of incorporation is to focus such requirement on the most critical provisions of the certificate of incorporation.

[11] *See* Current Certificate of Incorporation, Art. Fifth; New Certificate of Incorporation, Art. Fifth.

[12] Article Fifth(d) of the Current Certificate of Incorporation provides that purported transfers that would result in a violation of the ownership limitations are not recognized by the Corporation to the extent of any ownership in excess of the limitation.

e. Other Amendments

The New Certificate of Incorporation will amend and restate various other provisions of the Current Certificate of Incorporation in a manner that the Exchange believes are intended to reflect provisions that are more customary for publicly-owned companies organized under Delaware Law. In particular:

• *Preferred Stock.* Pursuant to proposed Article Fourth(a) of the New Certificate of Incorporation, the Corporation will have the authority to issue 15 million shares of Preferred Stock, par value $0.01 per share (the ''Preferred Stock''), which the Corporation's board of directors may, by resolution from time to time, issue in one or more classes or series by filing a certificate of designation pursuant to Delaware Law, fixing the terms and conditions of such class or series of Preferred Stock. The Preferred Stock may be used by the Corporation to raise capital or to act as a safety mechanism for unwanted takeovers. Pursuant to Article Sixth(f) of the New Certificate of Incorporation, should the Corporation issue Preferred Stock and the holders of Preferred Stock have the right to vote separately or as a class to elect directors, the features of such directorships shall be governed by the terms of the resolution adopted by the board of directors, rather than the features otherwise applicable under Article Sixth.

• *Stockholder Meetings.* Article Tenth of the Current Certificate of Incorporation permits action to be taken by the stockholders of the Corporation, without a meeting, by written consent as permitted by Delaware Law. The New Certificate of Incorporation would amend Article Tenth to provide that any action required or permitted to be taken at any meeting of the stockholders may be taken only upon the vote of stockholders at a meeting of the stockholders in accordance with Delaware Law and the New Certificate of Incorporation, and may not be taken by written consent without a meeting, subject to the rights of the holders of any class or series of Preferred Stock then outstanding. Proposed Article Tenth(a) would establish a requirement for the Corporation to hold annual meetings of stockholders for director elections and other business, while Proposed Article Tenth(b) would permit special meetings to be called only upon a resolution of a majority of the board of directors (except that when holders of Preferred Stock have the right to elect directors, such holders may call a special meeting). Provisions providing for annual meetings and special meetings are currently contained only in the Current Bylaws.[13]

• *Forum Selection.* The New Certificate of Incorporation would add a new Article Eleventh, designating the Court of Chancery of the State of Delaware as the sole and exclusive forum for certain actions or proceedings, such as derivative actions brought on behalf of the Corporation or actions asserting a claim of breach of fiduciary duty owed by any director, officer or other employee of the Corporation to the Corporation or to its stockholders. Among other things, this provision prevents similar actions from being brought in multiple jurisdictions and helps ensure that any litigation will be handled by the court that is most experienced in applying Delaware Law. Article Eleventh also provides that any person or entity acquiring an interest in shares of capital stock of the Corporation shall be deemed to have notice of and consented to this exclusive forum provision.

• *Section 203.* The New Certificate of Incorporation would add Article Thirteenth, providing that the Corporation will be governed by Section 203 of Delaware Law. In general, Section 203 prohibits a publicly-held Delaware corporation from engaging in a business combination with anyone who owns at least 15 percent of its common stock. This prohibition lasts for a period of three years after that person has acquired the 15 percent ownership. The corporation may, however, engage in a business combination if it is approved by its board of directors before the person acquires the 15 percent ownership or later by its board of directors and two-thirds of the stockholders of the public corporation. The restrictions contained in Section 203 do not apply if, among other things, the corporation's certificate of incorporation contains a provision expressly electing not to be governed by Section 203. Unless opted-out, Section 203 provides Delaware corporations with a defense to unwanted corporate takeovers.

The New Certificate of Incorporation also removes various references to the Investor Rights Agreement, as the provisions of that agreement, other than certain registration rights, is expected to terminate upon the occurrence of the IPO.[14] The New Certificate of Incorporation additionally makes various non-substantive, stylistic changes throughout. For example, the New Certificate of Incorporation would amend the name of the Corporation from ''BATS Global Markets, Inc.'' to ''Bats Global Markets, Inc.''

2. The New Bylaws

a. Registered Office

Article I of the Current Bylaws designates the initial registered office of the Corporation in the State of Delaware as 1209 Orange Street in the City of Wilmington, County of New Castle, Delaware and the initial registered agent at that address as The Corporation Trust Company. Section 1.01 of the New Bylaws would amend Article I to state that the registered office will continue to be located at the same location and to further provide the board of directors with the authority to designate another location from time to time. This will provide the board of directors with the flexibility to change the registered office in the future if it believes that such a change is necessary. In addition, Section 1.01 of the New Bylaws would provide that the registered agent will continue to be The Corporation Trust Company.

b. Annual Meeting of Stockholders

Section 2.02(a) of the Current Bylaws requires that an annual meeting of stockholders for the purpose of election of directors and for such other business as may lawfully come before the meeting occur on the third Tuesday of January, or such other time as the board of directors may designate. The New Bylaws remove the reference to the third Tuesday of January from Section 2.02(a) and authorize the board of directors to determine the place, date and time of the annual meeting.

Section 2.02(b) of the Current Bylaws specifies the procedures for stockholders to properly bring matters before the annual meeting, including specifying that stockholders provide timely notice to the Corporation of the business desired to be brought before the meeting. To be considered timely, Section 2.02(b) of the Current Bylaws states that the stockholder's notice must be delivered to the Corporation no earlier than the ninetieth day or later than the sixtieth day prior to the first anniversary of the preceding year's annual meeting. The New Bylaws modify the acceptable time period so that the stockholder's notice must be delivered to the Corporation no earlier than the one hundred and fiftieth day or later than the one hundred and

[13] Current Bylaws, Sections 2.02 and 2.03.

[14] *See* Investor Rights Agreement, Section 10 (providing that the rights and obligations of each stockholder party to the agreement shall terminate, to the extent not previously terminated, upon the occurrence of ''Qualified Public Offering,'' as defined therein, except that certain registration rights shall survive such termination).

twentieth day prior to the first anniversary of the preceding year's annual meeting. In the event that no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than thirty days, the New Bylaws generally require that the stockholder's notice be delivered no earlier than the one hundred and twentieth day or later than the seventieth day prior to such annual meeting.

Section 2.02(b) of the Current Bylaws specifies what must be contained in the stockholder's notice. In addition to the requirements contained in the Current Bylaws, Section 2.02(b) of the New Bylaws would require that the stockholder's notice (i) disclose the text of the proposal, (ii) disclose the beneficial owner on whose behalf the proposal is being made, (iii) disclose all arrangements or understandings between the stockholder and any other person pursuant to which the proposal is being made, (iv) disclose all agreements, arrangements or understandings (including derivative positions) to create or mitigate loss or manage the risk or benefit of share price changes, or increase or decrease the voting power of the stockholder or any beneficial owner with respect to the securities of the Corporation, (v) provide a representation as to whether the stockholder or any beneficial owner intends, or is part of a group that intends, to deliver a proxy statement and/or form of proxy to holders of at least the percentage of the voting power of the Corporation needed to approve or adopt the proposal, or otherwise solicit proxies from stockholders in support of the proposal, and (vi) provide such other information relating to any proposed item of business as the Corporation may reasonably require to determine whether such proposed item of business is a proper matter for stockholder action.

Section 2.02(c) of the Current Bylaws specifies the procedures for stockholders to properly nominate persons for the board of directors, including that the stockholder provide timely notice to the Corporation. In addition to the requirements contained in the Current Bylaws, Section 2.02(c) of the New Bylaws would require that the stockholder's notice (i) disclose all agreements, arrangements or understandings (including derivative positions) to create or mitigate loss or manage the risk or benefit of share price changes, or increase or decrease the voting power of the stockholder, beneficial owner or any such nominee with respect to the securities of the Corporation, (ii) provide a representation that such stockholder is a stockholder entitled to vote at such meeting and intends to appear in person or by proxy at the meeting and to bring such nomination or other business before the meeting, and (iii) provide a representation as to whether the stockholder or any beneficial owner intends, or is part of a group that intends, to deliver a proxy statement and/or form of proxy to holders of at least the percentage of the voting power of the Corporation needed to elect each such nominee, or otherwise solicit proxies from stockholders in support of the nomination.

The additional disclosure requirements being added to Sections 2.02(b) and 2.02(c) are intended to assure that stockholders asked to vote on a stockholder proposal or stockholder nominee are more fully informed in their voting and are able to consider any proposals or nominations along with the interests of those stockholders or the beneficial owners on whose behalf such proposal or nomination is being made.

The New Bylaws would further include a new Section 2.02(d), which would require that a stockholder proposal or a stockholder nomination be disregarded if the stockholder (or a qualified representative) does not appear at the annual or special meeting to present the proposal or nomination, notwithstanding that proxies may have been received and counted for purposes of determining a quorum. A ''qualified representative'' would include a duly authorized officer, manager or partner of the stockholder, or such other person authorized in writing to act as such stockholder's proxy. The purpose of this requirement is to assure that the stockholders' time at meetings is used efficiently and only serious stockholder proposals and nominations are considered.

The New Bylaws would also add Section 2.02(e), which would require that a stockholder, in addition to (and in no way limiting) all requirements set forth in Section 2.02 with respect to proposals or nominations, must also comply with all applicable requirements of the Act and the rules and regulations promulgated thereunder.

New Section 2.02(f) of the New Bylaws would note that, notwithstanding anything to the contrary in the New Bylaws, the notice requirements with respect to business proposals or nominations would be deemed satisfied if the stockholder submitted a proposal in compliance with Rule 14a–8 of the Act [15] and the proposal has been included in a proxy statement prepared by the Corporation to solicit proxies of the meeting of stockholders. This provision would assure that, in addition to proposals that meet the requirements of Section 2.02(b) of the New Bylaws, the Corporation would comply with the provisions of the Act and the rules promulgated thereunder with respect to the inclusion of stockholder proposals in its proxy statement.

c. Special Meetings of Stockholders

Section 2.03 of the Current Bylaws permits a special meeting of the stockholders to be called by any of (i) the chairman of the board of directors, (ii) the chief executive officer, (iii) the board of directors pursuant to a resolution passed by a majority of the board, or (iv) the stockholders entitled to vote at least 10 percent of the votes at the meeting. The New Bylaws would amend Section 2.03, consistent with Article Tenth(b) of the New Certificate of Incorporation, to only permit a special meeting of the stockholders to be called by the board of directors pursuant to a resolution adopted by the majority of the board. Additionally, whenever any holders of Preferred Stock have the right to elect directors pursuant to the New Certificate of Incorporation, such holders may call, pursuant to the terms of a resolution adopted by the board, a special meeting of the holders of such Preferred Stock. These amendments are designed to prevent any stockholder from exercising undue control over the operation of the Exchange by circumventing the board of directors of the Corporation through a special meeting of the stockholders.

d. Quorum; Vote Requirements

Section 2.05 of the Current Bylaws describe the quorum and voting requirements for the transaction of business at all meetings of stockholders of the Corporation. As the New Charter establishes two classes of stock, voting common stock and non-voting common stock, the New Bylaws would amend Section 2.05 to clarify that a majority of the voting power (the Voting Common Stock) is generally required for a quorum for the transaction of business, rather than a majority of all outstanding shares. The New Bylaws would also amend Section 2.05 to conform to Section 216 of Delaware Law to track the requirement of a majority of votes ''present in person or represented by proxy'' for a quorum where a separate vote by class or classes or series is required. In addition, Section 2.05 of the New Bylaws would also be amended to clarify that abstentions and broker non-

[15] 17 CFR 240.14a–8.

votes shall not be counted as votes cast. Under Delaware Law, abstentions and broker non-votes are not shares authorized to vote and are not considered votes cast on any matter.[16] This amendment conforms the provisions of Section 2.05 to Delaware Law and is intended to eliminate ambiguity in the counting of abstentions and broker non-votes.

e. Adjournment of Meetings

Section 2.06 of the Current Bylaws outlines certain requirements relating to the adjournment of stockholder meetings, including that any meeting of stockholders, whether annual or special, may be adjourned from time to time either by the chairman of the meeting or by the vote of a majority of the voting power of the shares casting votes, excluding abstentions. The New Bylaws would amend Section 2.06 such that only the chairman of the meeting or the board of directors would be permitted to adjourn a stockholder meeting. The authority to adjourn a stockholder meeting resting solely with the board of directors or the chairman is common among publicly-held companies. Furthermore, this amendment would provide the Corporation with flexibility to postpone a stockholder vote if it determines necessary and would prevent stockholders from adjourning a meeting if the board of directors and chairman desire to continue with the meeting.

f. Voting Rights

Section 2.07 of the Current Bylaws describes the rights of stockholders of the Corporation to vote their shares at a meeting of stockholders. The New Bylaws would amend Section 2.07 to further clarify that any share of stock of the Corporation held by the Corporation shall have no voting rights, except when such shares are held in a fiduciary capacity. The Current Bylaws do not address voting rights with respect to shares of stock of the Corporation held by the Corporation. This amendment is consistent with Delaware Law and removes ambiguity as to the voting rights of shares of stock of the Corporation held by the Corporation.[17]

g. Action Without a Meeting

Section 2.10(a) of the Current Bylaws permits certain actions to be taken by written consent of stockholders if signed by the holders of outstanding stock representing not less than the number of votes necessary to authorize or take such action at a meeting where all shares entitled to vote were present and voted. However, Section 2.10(c) of the Current Bylaws provides that no action by written consent may be taken following an initial public offering of the common stock of the Corporation. The New Bylaws would amend Section 2.10 to prohibit at all times actions taken by written consent of stockholders without a meeting, subject to the rights of any holders of Preferred Stock. This change is consistent with proposed changes contained in Article Tenth(c) of the New Certificate of Incorporation and would simplify Section 2.10 of the New Bylaws, given that the New Bylaws would become effective the moment before the closing of the IPO.

h. Number of Directors and Classified Board Structure

Section 3.01 of the Current Bylaws stipulates that the board of directors of the Corporation shall consist of 15 members, or such other number of members as determined from time to time by resolution of the board of directors. Under the New Bylaws, Section 3.01 would be amended to state that the board of directors shall consist of one or more directors, with the exact number of directors to be determined by resolution adopted by the majority of the board of directors. In addition, Section 3.01 of the New Bylaws would, consistent with proposed Article Sixth(c) of the New Certificate of Incorporation, establish a classified board structure in which the directors would be divided into three classes of equal size, to the extent possible. Only one class of directors would be elected each year, and once elected, directors would serve a three-year term. The Exchange believes that such a classified board structure is common for publicly-held companies, as it has the effect of making hostile takeover attempts more difficult.

i. Vacancies and Resignation

Section 3.03 of the Current Bylaws provides that vacancies on the board of directors resulting from death, resignation, removal or other causes, and any newly created directorships resulting from any increase in the number of directors, shall be filled by a majority vote of the directors then in office, even if less than a quorum, unless the board of directors determines by resolution that any such vacancies or newly created directorships should be filled by stockholders. Once elected, the director would hold office for the remainder of the full term of the director for which the vacancy was created or occurred and until such director's successor shall have been elected and qualified. Section 3.03 of the New Bylaws would adopt a substantially similar approach. Specifically, it would provide that vacancies or new directorships shall, except as otherwise required by law, be filled solely by a majority of the directors then in office (although less than a quorum) or by the sole remaining director, and each director so elected shall hold office for a term that shall coincide with the term of the class to which such director shall have been elected. The New Bylaws would also amend Section 3.03 to provide that if there are no directors in office, then an election of directors may be held in accordance with Delaware Law.

Section 3.04 of the Current Bylaws addresses the resignation of directors. For example, Section 3.04 provides that when one or more directors resign from the board of directors, effective at a future date, a majority of the directors then in office, including those who have so resigned, shall have the power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective. This provision would be retained in the New Bylaws, but it would be moved to Section 3.03. In addition, as is effectively the case under Section 3.04 of the Current Bylaws, Section 3.03 of the New Bylaws would provide that any director so chosen shall hold office as provided in the filling of other vacancies.

j. Removal of Directors

Section 3.05 of the Current Bylaws provides that the board of directors or any director may be removed, with or without cause, by the affirmative vote of at least 66⅔ percent of the voting power of all then-outstanding shares of voting stock of the Corporation. The New Bylaws would amend Section 3.05 to provide that directors may only be removed for cause with the affirmative vote of a simple majority of the holders of voting power of all then-outstanding securities of the Corporation generally entitled to vote in the election of directors, voting together as a single class.

The purpose of this amendment is to align the Corporation's requirements for removal of directors with Section 141(k)(1) of Delaware Law, which generally provides that, in the case of a corporation with a classified board, a simple majority of stockholders may remove any director, but only for cause, unless the certificate of incorporation provides otherwise.

[16] *See, e.g., Berlin* v. *Emerald Partners,* 552 A.2d 482 (Del. 1988).

[17] *See* Delaware Law Section 160(c).

k. Committees of Directors

Sections 3.10(a) and (b) of the Current Bylaws permit the board of directors to appoint an executive committee with certain enumerated powers of the board, as well as other committees permitted by law. The New Bylaws would amend Section 3.10(a) to eliminate specific reference to an executive committee and authorize the board to designate one or more committees that may exercise the power of the board to the extent permitted in the resolution designating the committee. This amendment would enhance the board's flexibility to create those committees it deems necessary and most efficient for the functioning of the board. Section 3.10(a) would be further amended to provide that no committee would have the power to (i) approve, adopt or recommend to the stockholders any matter required by Delaware Law to be submitted for stockholder approval, or (ii) adopt, amend or repeal any bylaw. These amendments are being made to assure that the full board of directors considers and passes upon these significant corporate decisions.

Section 3.10(c) of the Current Bylaws describes the requirements for committee meetings. The New Bylaws would amend Section 3.10(c) to require that each committee keep regular minutes of its meetings and report the same to the board of directors of the Corporation when required. This amendment is being made to assure that matters addressed during committee meetings are recorded in the corporate records of the Corporation and are available to be communicated to the full board of directors of the Corporation.

l. Preferred Stock Directors

The New Bylaws would add new Section 3.12 to clarify that whenever the holders of one or more classes or series of Preferred Stock have the right to elect one or more directors (a ''Preferred Stock Director''), pursuant to the New Certificate of Incorporation, the provisions of Article III of the New Bylaws relating to the election, term of office, filling of vacancies, removal, and other features of directorships would not apply to the Preferred Stock Directors. Rather, such features would be governed by the applicable provisions of the New Certificate of Incorporation. This amendment is consistent with proposed Article Sixth(f) of the New Certificate of Incorporation with respect to the rights of holders of Preferred Stock, should any class or series of Preferred Stock be issued with director voting rights in the future.

m. Officers

Section 4.01 of the Current Bylaws provides that the officers of the Corporation shall include, if and when designated by the board of directors, the chairman of the board of directors, the chief executive officer, the president, one or more vice presidents and certain other employees. The New Bylaws would amend Section 4.01 to remove the chairman of the board of directors from the list of potential officers of the Corporation. Similarly, the New Bylaws would also remove Section 4.02(b) of the Current Bylaws, which describes the duties of the chairman of the board of directors. These changes would be made to reflect the fact that the chairman of the board of directors does not serve in an officer role in the Corporation.

n. Form of Stock Certificates

The New Bylaws would amend Section 6.01 of the Current Bylaws to state that the shares of the Corporation shall be represented by certificates, unless the board of directors provides by resolution that some or all of any class or series of stock be uncertificated. Except as otherwise provided by law, holders of certificated and uncertificated shares of the same class and series would have identical rights and obligations. Pursuant to Section 6.03(d) of the New Bylaws, the board will also have the power to make rules for issuance, transfer and registration of certificated or uncertificated shares, and the issuance of new certificates in lieu of those lost or destroyed. The New Bylaws further amend Section 6.01 to provide that the Corporation will not have the power to issue a certificate in bearer form. These amendments are intended to align the bylaws of the Corporation with standard provisions for Delaware public companies.

o. Fixing Record Dates

Section 6.04 of the Current Bylaws provides the procedures for fixing a record date for determining the stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof. In general, a determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders shall apply to any adjournment of the meeting. However, Section 6.04(a) of the Current Bylaws also permits the board of directors to fix a new record date for the adjourned meeting. The New Bylaws would amend Section 6.04(a) to clarify that the board of directors may fix a new record date for determination of stockholders entitled to vote at the adjourned meeting in its discretion or as required by Delaware Law. In such case, the board of directors would be permitted to fix the same date or an earlier date as the record date for stockholders entitled to notice of such adjourned meeting. The New Bylaws would also remove Section 6.04(b) of the Current Bylaws, which relates to the fixing of a record date for determining the stockholders entitled to consent to corporate action in writing without a meeting. This provision would be removed because the New Bylaws would remove the ability of stockholders to authorize or take corporate action by written consent.

p. Indemnification

Article X of the Current Bylaws contains certain provisions for the indemnification of directors, officers, employees and certain other agents of the Corporation. The New Bylaws will eliminate such provisions in their entirety. These provisions are being eliminated because provisions regarding indemnification are already contained in Article Ninth of the Current Certificate of Incorporation and will remain in Article Ninth of the New Certificate of Incorporation.

q. Notices

Article XI of the Current Bylaws contains provisions governing the delivery of notices to stockholders and directors. Section 11.01(b) of the Current Bylaws, for example, states that notices to directors may be given through U.S. mail, facsimile, telex or telegram, except that such notice, other than one which is delivered personally, must be sent to such address as such director shall have filed in writing with the secretary of the Corporation, or, in the absence of such filing, to the last known post office address of such director. The corresponding section of the New Bylaws, Section 10.01(b), would be revised to additionally permit notice to directors to be given through electronic mail, in addition to the other forms of delivery currently permitted. The Exchange believes that it has become customary to deliver business communications through electronic mail. The remainder of the notice provisions would not be substantively amended in the New Bylaws.

r. Future Bylaws Amendments

Article Eighth of the Current Certificate of Incorporation (as proposed to be maintained in the New Certificate of Incorporation) provides that the bylaws may be adopted, amended or repealed by the board of directors or by action of the stockholders, in accordance with the procedures set out

in the bylaws. Article XII of the Current Bylaws permits the bylaws to be amended or repealed *only* by action of the stockholders holding 70 percent of the shares entitled to vote. Article XI of the New Bylaws would amend Article XII to provide that the bylaws may be altered, adopted, amended or repealed *either* by a majority of the board of directors, or by the stockholders with the affirmative vote of not less than 66⅔ of the total voting power then entitled to vote at a meeting of stockholders, unless a higher percentage is required under the New Certificate of Incorporation. The New Certificate of Incorporation does not include a higher percentage, so the threshold set forth in the New Bylaws would govern. The Current Bylaws require a vote of at least 70 percent of the total stockholder voting power in order to maintain consistency with the threshold that was separately agreed to in the Investor Rights Agreement.[18] As noted above, the Investor Rights Agreement is expected to terminate upon the IPO, except with respect to certain registration rights provisions, so the 70 percent threshold is no longer contractually necessary to maintain.[19] The requirement to obtain 70 percent stockholder approval for any amendments to the Corporation's bylaws was practical while the Corporation was closely-held. However, the Exchange believes that it is customary for amendments to a publicly-held corporation's bylaws to be predominantly a matter for the corporation's board of directors, both as a matter of convenience, and to make unwanted corporate takeovers more difficult. As a result, the New Bylaws require that, should the stockholders wish to amend the Corporation's bylaws, a supermajority of 66⅔ percent would be required. The threshold reduction from 70 percent to 66⅔ is intended to be consistent with other publicly-held companies.

In addition to the board of directors and stockholder approval requirements, Article XI of the New Bylaws would maintain the provisions contained in Article XII of the Current Bylaws requiring that, for so long as the Corporation will control a national securities exchange registered with the Commission under Section 6 of the Act, before any amendment to the New Bylaws may become effective, the amendment must be submitted to the board of directors of such exchange, and if required by Section 19 of the Act,[20] filed with or filed with and approved by the Commission.

s. Loans to Officers

Article XIII of the Current Bylaws authorizes the Corporation to lend money to or guarantee obligations of any officer of the company under certain circumstances. In order to comply with Section 13(k)(1) of the Act,[21] which will apply to the Corporation after the IPO, the New Bylaws eliminate this authority.

t. Other Amendments

The New Bylaws also remove references to the Investor Rights Agreement, as the provisions of that agreement, other than certain registration rights, is expected to terminate upon the occurrence of the IPO.[22] In addition, the New Bylaws make various non-substantive, stylistic changes throughout. For example, as with the New Certificate of Incorporation, the New Bylaws would reflect a change in the name of the Corporation from ''BATS Global Markets, Inc.'' to ''Bats Global Markets, Inc.''

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(1) of the Act, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.[23] In particular, the New Certificate of Incorporation is consistent with Section 6(b)(1) of the Act because it would retain the limitations on ownership and total voting power that currently exist and would adopt super-majority requirements for certain amendments to the New Certificate of Incorporation. These provisions would help prevent any stockholder, including any member of the Exchange along with its Related Persons, from exercising undue control over the operation of the Exchange. In addition, Sections 2.03 and 2.10(c) of the New Bylaws would prohibit the ability of the stockholders to call a special meeting of the stockholders and to act by written consent. Therefore, as with the New Certificate of Incorporation, the New Bylaws would help prevent any stockholder from exercising undue control over the operation of the Exchange and assure that the Exchange is able to carry out its regulatory obligations under 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 purposes of the Act. Indeed, the Exchange believes that the proposed rule change would enhance competition. The other major operators of registered national securities exchanges are currently public companies, with the access to the public markets that this facilitates. The amendments to the Corporation's certificate of incorporation and bylaws will facilitate the Corporation's IPO, facilitating capital formation and allowing the Corporation to better compete with other public companies operating national securities exchanges and other markets.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited or 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 (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[18] *See* Investor Rights Agreement, Section 4.3(d).

[19] *See supra* note 14 and accompanying text.

[20] 15 U.S.C. 78s.

[21] 15 U.S.C. 78m(k)(1).

[22] *See supra* note 14 and accompanying text.

[23] 15 U.S.C. 78f(b).

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–EDGX–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 Number SR–EDGX–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 the 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 Number SR–EDGX–2016–04 and should be submitted on or before March 14, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03529 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77148; File No. S7–966]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amendment to the Plan for the Allocation of Regulatory Responsibilities Among NYSE MKT LLC, BATS Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, the Chicago Board Options Exchange, Incorporated, the EDGX Exchange, Inc., the International Securities Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC Financial Industry Regulatory Authority, Inc., the New York Stock Exchange LLC, NYSE Arca, Inc., The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., the NASDAQ OMX PHLX, Inc., and Miami International Securities Exchange, LLC Concerning Options-Related Sales Practice Matters

February 16, 2016.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility (''Plan'') filed on February 3, 2016, pursuant to Rule 17d–2 of the Act,[2] by NYSE MKT LLC (''MKT''), BATS Exchange, Inc., (''BATS''), the BOX Options Exchange LLC (''BOX''), C2 Options Exchange, Incorporated (''C2''), the Chicago Board Options Exchange, Incorporated (''CBOE''), the EDGX Exchange, Inc. (''EDGX'') the International Securities Exchange LLC (''ISE''), ISE Gemini, LLC (''Gemini''), ISE Mercury, LLC (''ISE Mercury'') Financial Industry Regulatory Authority, Inc. (''FINRA''), the New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''Arca''), The NASDAQ Stock Market LLC (''Nasdaq''), NASDAQ OMX BX, Inc. (''BX''), NASDAQ OMX PHLX, Inc. (''PHLX''), and Miami International Securities Exchange (''MIAX'') (collectively, ''Participating Organizations'' or ''parties'').

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)[4] or Section 19(g)(2)[5] of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d).

[5] 15 U.S.C. 78s(g)(2).

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On September 8, 1983, the Commission approved the SRO participants' plan for allocating regulatory responsibilities pursuant to Rule 17d–2.[11] On May 23, 2000, the Commission approved an amendment to the plan that added the ISE as a participant.[12] On November 8, 2002, the Commission approved another amendment that replaced the original plan in its entirety and, among other things, allocated regulatory responsibilities among all the participants in a more equitable manner.[13] On February 5, 2004, the parties submitted an amendment to the plan, primarily to include the BSE, which was establishing a new options trading facility to be known as BOX, as an SRO participant.[14] On December 5, 2007, the parties submitted an amendment to the plan to, among other things, provide that the National Association of Securities Dealers (''NASD'') (n/k/a FINRA) and NYSE are Designated Options Examining Authorities under the plan.[15] On June 5, 2008, the parties submitted an amendment to the plan primarily to remove the NYSE as a Designated Options Examining Authority, leaving FINRA as the sole Designated Options Examining Authority for all common members that are members of FINRA.[16] On February 9, 2010, the parties submitted a proposed amendment to the plan to add BATS and C2 as SRO participants and to reflect the name changes of the American Stock Exchange LLC to the NYSE Amex LLC, the Boston Stock Exchange, Inc., to the NASDAQ OMX BX, Inc. and the Philadelphia Stock Exchange, Inc. to the NASDAQ OMX PHLX, Inc.[17] On May 22, 2012, the parties submitted a proposed amendment to add BOX as an SRO participant, and to amend Section XIII of the plan to set forth a revised procedure for adding new participants to the plan.[18] On November 20, 2012, the parties submitted a proposed amendment to add MIAX as an SRO participant, and to change the name of NYSE Amex LLC to NYSE MKT LLC.[19] On June 21, 2013, the parties submitted a proposed amendment to add Topaz Exchange LLC as an SRO participant.[20] On October 9, 2015, the parties submitted a proposed amendment to add EDGX as an SRO participant and to change the name of Topaz Exchange, LLC to ISE Gemini, LLC.[21]

The plan reduces regulatory duplication for a large number of firms currently members of two or more of the SRO participants by allocating regulatory responsibility for certain options-related sales practice matters to one of the SRO participants. Generally, under the plan, the SRO participant responsible for conducting options-related sales practice examinations of a firm, and investigating options-related customer complaints and terminations for cause of associated persons of that firm, is known as the firm's ''Designated Options Examining Authority'' (''DOEA''). Pursuant to the plan, any other SRO of which the firm is a member is relieved of these responsibilities during the period in which the firm is assigned to another SRO acting as that firm's DOEA.

III. Proposed Amendment to the Plan

On February 3, 2016, the Parties submitted a proposed amendment to the Plan. The primary purpose of the amendment is to add ISE Mercury, and remove the NYSE, as a Participant to the Plan. The text of the proposed amended 17d–2 plan is as follows (additions are *italicized;* deletions are [bracketed]):

* * * * *

Agreement by and among BATS Exchange, Inc., BOX Options Exchange, LLC, the Chicago Board Options Exchange, Incorporated, C2 Options Exchange, Incorporated, the International Securities Exchange, LLC, Financial Industry Regulatory Authority, Inc., Miami International Securities Exchange, LLC, [the New York Stock Exchange LLC,] the NYSE MKT LLC, the NYSE Arca, Inc., The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., the NASDAQ OMX PHLX LLC, ISE Gemini, LLC, [and] EDGX Exchange, Inc. *and ISE Mercury, LLC,* Pursuant to Rule 17d–2 under the Securities Exchange Act of 1934.

This agreement (''Agreement''), by and among BATS Exchange, Inc., BOX Options Exchange, LLC, the Chicago Board Options Exchange, Incorporated, C2 Options Exchange, Incorporated, the International Securities Exchange, LLC, Financial Industry Regulatory Authority, Inc. (''FINRA''), Miami International Securities Exchange, LLC, The NASDAQ Stock Market LLC (''NASDAQ''), NASDAQ OMX BX, Inc., [the New York Stock Exchange LLC (''NYSE''),] the NYSE MKT LLC, the NYSE Arca, Inc., the NASDAQ OMX PHLX LLC, ISE Gemini, LLC, and EDGX Exchange, Inc., hereinafter collectively referred to as the Participants, is made this [8th]*2nd* day of [October]*February,* 201[5]*6,* pursuant to the provisions of Rule 17d–2 under the Securities Exchange Act of 1934 (the ''Exchange Act''), which allows for plans among self-regulatory organizations to allocate regulatory responsibility. This Agreement shall be administered by a committee known as the Options Self-Regulatory Council (the ''Council'').

This Agreement amends and restates the agreement entered into among the Participants on [June 21, 2013]*October 8, 2015,* entitled ''Agreement by and among BATS Exchange, Inc., BOX Options Exchange, LLC, the Chicago Board Options Exchange, Incorporated, C2 Options Exchange, Incorporated, the International Securities Exchange, LLC,

[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 20158 (September 8, 1983), 48 FR 41256 (September 14, 1983).

[12] *See* Securities Exchange Act Release No. 42816 (May 23, 2000), 65 FR 34759 (May 31, 2000).

[13] *See* Securities Exchange Act Release No. 46800 (November 8, 2002), 67 FR 69774 (November 19, 2002).

[14] *See* Securities Exchange Act Release No. 49197 (February 5, 2004), 69 FR 7046 (February 12, 2004).

[15] *See* Securities Exchange Act Release No. 55532 (March 26, 2007), 72 FR 15729 (April 2, 2007).

[16] *See* Securities Exchange Act Release No. 57987 (June 18, 2008), 73 FR 36156 (June 25, 2008).

[17] *See* Securities Exchange Act Release No. 61589 (February 25, 2012), 75 FR 9976 (March 4, 2010).

[18] *See* Securities Exchange Act Release No. 66974 (May 11, 2012), 77 FR 29705 (May 18, 2012).

[19] *See* Securities Exchange Act Release No. 68363 (December 5, 2012), 77 FR 73711 (December 11, 2012).

[20] *See* Securities Exchange Act Release No. 70051 (July 26, 2013), 78 FR 46644 (August 1, 2013).

[21] *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

Financial Industry Regulatory Authority, Inc., Miami International Securities Exchange, LLC, the New York Stock Exchange LLC, NYSE MKT LLC, the NYSE Arca, Inc., the NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., the NASDAQ OMX PHLX, Inc.*, ISE Gemini, LLC* and [Topaz Exchange, LLC]*EDGX Exchange, Inc.,* Pursuant to Rule 17d–2 under the Securities Exchange Act of 1934.''

WHEREAS, the Participants are desirous of allocating regulatory responsibilities with respect to broker-dealers, and persons associated therewith, that are members [1] of more than one Participant (the ''Common Members'') and conduct a public business for compliance with Common Rules (as hereinafter defined) relating to the conduct by broker-dealers of accounts for listed options, index warrants, currency index warrants and currency warrants (collectively, ''Covered Securities''); and

WHEREAS, the Participants are desirous of executing a plan for this purpose pursuant to the provisions of Rule 17d–2 and filing such plan with the Securities and Exchange Commission (''SEC'' or the ''Commission'') for its approval;

Now, therefore, in consideration of the mutual covenants contained hereafter, the Participants agree as follows:

I. As used herein the term Designated Options Examining Authority (''DOEA'') shall mean: (1) FINRA insofar as it shall perform Regulatory Responsibility (as hereinafter defined) for its broker-dealer members that also are members of another Participant or (2) the Designated Examination Authority (''DEA'') pursuant to SEC Rule 17d–1 under the Securities Exchange Act (''Rule 17d–1'') for a broker-dealer that is a member of a more than one Participant (but not a member of FINRA).

II. As used herein, the term ''Regulatory Responsibility'' shall mean the examination and enforcement responsibilities relating to compliance by Common Members with the rules of the applicable Participant that are substantially similar to the rules of the other Participants (the ''Common Rules''), insofar as they apply to the conduct of accounts for Covered Securities. A list of the current Common Rules of each Participant applicable to the conduct of accounts for Covered Securities is attached hereto as Exhibit A. Each year within 30 days of the anniversary date of the commencement of operation of this Agreement, each Participant shall submit in writing to FINRA and each DEA performing as a DOEA for any members of such Participant any revisions to Exhibit A reflecting changes in the rules of the Participant, and confirm that all other rules of the Participant listed in Exhibit A continue to meet the definition of Common Rules as defined in this Agreement. Within 30 days from the date that FINRA and each DEA performing as a DOEA has received revisions and/or confirmation that no change has been made to Exhibit A from all Participants, FINRA and each DEA performing as a DOEA shall confirm in writing to each Participant whether the rules listed in any updated Exhibit A are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibility'' does not include, and each of the Participants shall (unless allocated pursuant to Rule 17d–2 otherwise than under this Agreement) retain full responsibility for, each of the following:

(a) Surveillance and enforcement with respect to trading activities or practices involving its own marketplace, including without limitation its rules relating to the rights and obligations of specialists and other market makers;

(b) Registration pursuant to its applicable rules of associated persons;

(c) Discharge of its duties and obligations as a DEA; and

(d) Evaluation of advertising, responsibility for which shall remain with the Participant to which a Common Member submits same for approval.

III. Apparent violations of another Participant's rules discovered by a DOEA, but which rules are not within the scope of the discovering DOEA's Regulatory Responsibility, shall be referred to the relevant Participant for such action as the Participant to which such matter has been referred deems appropriate. Notwithstanding the foregoing, nothing contained herein shall preclude a DOEA in its discretion from requesting that another Participant conduct an enforcement proceeding on a matter for which the requesting DOEA has Regulatory Responsibility. If such other Participants agree, the Regulatory Responsibility in such case shall be deemed transferred to the accepting Participant and confirmed in writing by the Participants involved. Each Participant agrees, upon request, to make available promptly all relevant files, records and/or witnesses necessary to assist another Participant in an investigation or enforcement proceeding.

IV. The Council shall be composed of one representative designated by each of the Participants. Each Participant shall also designate one or more persons as its alternate representative(s). In the absence of the representative of a Participant, such alternate representative shall have the same powers, duties and responsibilities as the representative. Each Participant may, at any time, by notice to the then Chair of the Council, replace its representative and/or its alternate representative on such Council. A majority of the Council shall constitute a quorum and, unless specifically otherwise required, the affirmative vote of a majority of the Council members present (in person, by telephone or by written consent) shall be necessary to constitute action by the Council. The representative from FINRA shall serve as Chair of the Council. All notices and other communications for the Council shall be sent to it in care of the Chair or to each of the representatives.

V. The Council shall determine the times and locations of Council meetings, provided that the Chair, acting alone, may also call a meeting of the Council in the event the Chair determines that there is good cause to do so. To the extent reasonably possible, notice of any meeting shall be given at least ten-business days prior thereto. Notwithstanding anything herein to the contrary, representatives shall always be given the option of participating in any meeting telephonically at their own expense rather than in person.

VI. FINRA shall have Regulatory Responsibility for all Common Members that are members of FINRA. For the purpose of fulfilling the Participants' Regulatory Responsibilities for Common Members that are not members of FINRA, the Participant that is the DEA shall serve as the DOEA. All Participants shall promptly notify the DOEAs no later than the next scheduled meeting of any change in membership of Common Members. A DOEA may request that a Common Member that is allocated to it be reallocated to another DOEA by giving thirty days written notice thereof. The DOEAs in their discretion may approve such request and reallocate such Common Member to another DOEA.

VII. Each DOEA shall conduct an examination of each Common Member. The Participants agree that, upon request, relevant information in their respective files relative to a Common Member will be made available to the applicable DOEA. At each meeting of the Council, each DOEA shall be

[1] In the case of BOX Options Exchange, LLC (''BOX''), NASDAQ OMX BX, Inc. (''BX'') and NASDAQ members are those persons who are options participants (as defined in the BOX, BX and NASDAQ Options Market Rules).

prepared to report on the status of its examination program for the previous quarter and any period prior thereto that has not previously been reported to the Council.

VIII. Each DOEA will promptly furnish a copy of the Examination report, relating to Covered Securities, of any examination made pursuant to the provisions of this Agreement to each other Participant of which the Common Member examined is a member.

IX. Each DOEA's Regulatory Responsibility shall for each Common Member allocated to it include investigations into terminations ''for cause'' of associated persons relating to Covered Securities, unless such termination is related solely to another Participant's market. In the latter instance, that Participant to whose market the termination for cause relates shall discharge Regulatory Responsibility with respect to such termination for cause. In connection with a DOEA's examination, investigation and/or enforcement proceeding regarding a Covered Security-related termination for cause, the other Participants of which the Common Member is a member shall furnish, upon request, copies of all pertinent materials related thereto in their possession. As used in this Section, ''for cause'' shall include, without limitation, terminations characterized on Form U5 under the label ''Permitted to Resign,'' ''Discharge'' or ''Other.''

X. Each DOEA shall discharge the Regulatory Responsibility for each Common Member allocated to it relative to a Covered Securities-related customer complaint [2] unless such complaint is uniquely related to another Participant's market. In the latter instance, the DOEA shall forward the matter to that Participant to whose market the matter relates, and the latter shall discharge Regulatory Responsibility with respect thereto. If a Participant receives a customer complaint for a Common Member related to a Covered Security for which the Participant is not the DOEA, the Participant shall promptly forward a copy of such complaint to the DOEA.

XI. Any written notice required or permitted to be given under this Agreement shall be deemed given if sent by certified mail, return receipt requested, or by a comparable means of electronic communication to each Participant entitled to receipt thereof, to the attention of the Participant's representative on the Council at the Participant's then principal office or by email at such address as the representative shall have filed in writing with the Chair.

XII. The Participants shall notify the Common Members of this Agreement by means of a uniform joint notice approved by the Council.

XIII. This Agreement may be amended to add a new Participant provided that such Participant does not assume Regulatory Responsibility, solely by an amendment by FINRA and such new Participant. All other Participants expressly consent to allow FINRA to add new Participants to this Agreement as provided above. FINRA will promptly notify all Participants of any such amendments to add new Participants. All other amendments to this Agreement must be approved in writing by each Participant. All amendments, including adding a new Participant, must be filed with and approved by the SEC before they become effective.

XIV. Any of the Participants may manifest its intention to cancel its participation in this Agreement at any time by giving the Council written notice thereof at least 90 days prior to the effective date of such cancellation. Upon receipt of such notice the Council shall allocate, in accordance with the provisions of this Agreement, any Common Members for which the petitioning party was the DOEA. Until such time as the Council has completed the reallocation described above; the petitioning Participant shall retain all its rights, privileges, duties and obligations hereunder.

XV. The cancellation of its participation in this Agreement by any Participant shall not terminate this Agreement as to the remaining Participants. This Agreement will only terminate following notice to the Commission, in writing, by the then Participants that they intend to terminate the Agreement and the expiration of the applicable notice period. Such notice shall be given at least six months prior to the intended date of termination, provided that in the event a notice of cancellation is received from a Participant that, assuming the effectiveness thereof, would result in there being just one remaining member of the Council, notice to the Commission of termination of this Agreement shall be given promptly upon the receipt of such notice of cancellation, which termination shall be effective upon the effectiveness of the cancellation that triggered the notice of termination to the Commission.

XVI. No Participant nor the Council nor any of their respective directors, governors, officers, employees or representatives shall be liable to any other Participant in this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibility as provided hereby or for the failure to provide any such Responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or more of the Participants and caused by the willful misconduct of one or more of the other participants or their respective directors, governors, officers, employees or representatives. No warranties, express or implied, are made by any or all of the Participants or the Council with respect to any Regulatory Responsibility to be performed by each of them hereunder.

XVII. Pursuant to Section 17(d)(1)(A) of the Securities Exchange Act of 1934 and Rule 17d–2 promulgated pursuant thereto, the Participants join in requesting the Securities and Exchange Commission, upon its approval of this Agreement or any part thereof, to relieve those Participants which are from time to time participants in this Agreement which are not the DOEA as to a Common Member of any and all Regulatory Responsibility with respect to the matters allocated to the DOEA.

* * * * *

REVISED [October 8, 2015] *February 2, 2016*

EXHIBIT A

RULES ENFORCED UNDER 17d–2 AGREEMENT

Pursuant to Section II of the Agreement by and among BATS Exchange, Inc. (''BATS''), BOX Options Exchange, LLC (''BOX''), the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Incorporated (''C2''), the International Securities Exchange, LLC (''ISE''), Financial Industry Regulatory Authority, Inc. (''FINRA''), Miami International Securities Exchange, LLC (''MIAX''), The NASDAQ Stock Market LLC (''NASDAQ''), NASDAQ OMX BX, Inc. (''BX''), [the New York Stock Exchange LLC (''NYSE''),] the NYSE MKT LLC (''NYSE MKT''), the NYSE Arca, Inc. (''NYSE ARCA''), the NASDAQ OMX PHLX LLC (''PHLX''), ISE Gemini, LLC (''ISE Gemini''), [and] EDGX Exchange, Inc. (''EDGX'') *and ISE Mercury, LLC (''ISE Mercury'')* pursuant to Rule 17d–2 under the Securities Exchange Act of 1934 dated [October 8, 2016] *February 2, 2016* (the

[2] For purposes of complaints, they can be reported pursuant to Form U4, Form U5 or RE–3 and any amendments thereto.

''Agreement''), a revised list of the current Common Rules of each Participant, as compared to those of FINRA, applicable to the conduct of accounts for Covered Securities is set forth in this Exhibit A.

OPENING OF ACCOUNTS

NYSE MKT ..	Rules 411, 921 and 1101.
BATS	Rule 26.2.
BOX	Rule 4020.
CBOE	Rule 9.7.
C2*	CBOE Rule 9.7.
EDGX	Rule 26.2.
ISE	Rule 608.
FINRA	Rules 2360(b)(16) and 2352.
MIAX	Rule 1307.
[NYSE	N/A].
ISE Gemini ..	Rule 608.
ISE Mercury	*Rule 608.*
PHLX	Rule 1024(b) and (c)[1].
NYSE ARCA	Options Rules 9.2(a) and 9.18(b) and Equities Rules 9.18(b) and 8.4.
BX	Chapter XI, Section 7.
NASDAQ	Chapter XI, Section 7.

[1] FINRA shall not have any Regulatory Responsibility regarding foreign currency option requirements specified in any of the PHLX rules in this Exhibit A.

SUPERVISION

NYSE MKT ..	Rules 411, 922 and 1104.
BATS	Rule 26.3.
BOX	Rule 4030.
CBOE	Rule 9.8.[2]
C2	CBOE Rule 9.8.[2]
EDGX	Rule 26.3.
ISE	Rule 609.
FINRA	Rules 2360(b)(20), 2360(b)(17)(B), 2360(b)(16)(E), 2355 and 2358.
MIAX	Rule1308.
ISE Gemini ..	Rule 609.
ISE Mercury	*Rule 609.*
[NYSE	N/A].
PHLX	Rule 1025.
NYSE ARCA	Options Rules 9.2(b) and 9.18(d)(2)(G) and Equities Rules 9.18(d)(2)(G) and 8.7.
BX	Chapter XI, Section 8.
NASDAQ	Chapter XI, Section 8.

[2] FINRA shall not have any Regulatory Responsibility regarding receipt of written reports by April 1 of each year pursuant to CBOE Rule 9.8(g).

SUITABILITY

NYSE MKT ..	Rules 923 and 1102.
BATS	Rule 26.4.
BOX	Rule 4040.
CBOE	Rule 9.9.
C2	CBOE Rule 9.9.
EDGX	Rule 26.4.
ISE	Rule 610.
FINRA	Rule 2360(b)(19) and 2353.
MIAX	Rule 1309.
ISE Gemini ..	Rule 610.
ISE Mercury	*Rule 610.*
[NYSE	N/A].

SUITABILITY—Continued

PHLX	Rule 1026.
NYSE ARCA	Options Rule 9.18(c) and Equities Rules 9.18(c) and 8.5.
BX	Chapter XI, Section 9.
NASDAQ	Chapter XI, Section 9.

DISCRETIONARY ACCOUNTS

NYSE MKT ..	Rules 421, 924 and 1103.
BATS	Rule 26.5.[3]
BOX	Rule 4050.
CBOE	Rule 9.10.
C2	CBOE Rule 9.10.
EDGX	Rule 26.5.[3]
ISE	Rule 611.
FINRA	Rules 2360(b)(18) and 2354.
MIAX	Rule 1310.
ISE Gemini ..	Rule 611.
ISE Mercury	*Rule 611.*
[NYSE	N/A].
PHLX	Rule 1027.
NYSE ARCA	Options Rule 9.18(e) and Equities Rules 9.18(e) and 8.6.
BX	Chapter XI, Section 10.
NASDAQ	Chapter XI, Section 10.

[3] FINRA shall not have any Regulatory Responsibility to enforce this rule as to time and price discretion in institutional accounts.

CUSTOMER COMMUNICATIONS (ADVERTISING)

NYSE MKT ..	Rules 991 and 1106.
BATS	Rule 26.16.
BOX	Rule 4170.
CBOE	Rule 9.21.
C2	CBOE Rule 9.21.
EDGX	Rule 26.16.
ISE	Rule 623.
FINRA	Rules 2220 and 2357.
MIAX	Rule 1322.
ISE Gemini ..	Rule 623.
ISE Mercury	*Rule 623.*
[NYSE	N/A].
PHLX	N/A.
NYSE ARCA	Options Rules 9.21(a) and 9.21(b).
BX	Chapter XI, Section 22.
NASDAQ	Chapter XI, Section 22.

CUSTOMER COMPLAINTS

NYSE MKT ..	Rules 932 and 1105.
BATS	Rule 26.17.
BOX	Rule 4190.
CBOE	Rule 9.23.
C2	CBOE Rule 9.23.
EDGX	Rule 26.17.
ISE	Rule 625.
FINRA	FINRA Rules 2360(b)(17)(A) and 2356.
MIAX	Rule 1324.
ISE Gemini ..	Rule 625.
ISE Mercury	*Rule 625.*
[NYSE	N/A].
PHLX	Rule [1070]1028.
NYSE ARCA	Options Rule 9.18(l) and Equities Rules 9.18(l) and 8.8.
BX	Chapter XI, Section 24.
NASDAQ	Chapter XI, Section 24.

CUSTOMER STATEMENTS

NYSE MKT ..	Rules 419 and 930.
BATS	Rule 26.7.
BOX	Rule 4070.
CBOE	Rule 9.12.
C2	CBOE Rule 9.12.
EDGX	Rule 26.7.
ISE	Rules 613.
FINRA	Rule 2360(b)(15).
MIAX	Rule 1312.
ISE Gemini ..	Rule 613.
ISE Mercury	*Rule 613.*
[NYSE	N/A].
PHLX	Rule 1032.
NYSE ARCA	Options Rule 9.18(j) and Equities Rule 9.18(j).
BX	Chapter XI, Sections 12.
NASDAQ	Chapter XI, Section 12.

CONFIRMATIONS

NYSE MKT ..	Rule 925.
BATS	Rule 26.6.
BOX	Rule 4060.
CBOE	Rule 9.11.
C2	CBOE Rule 9.11.
EDGX	Rule 26.6.
ISE	Rule 612.
FINRA	Rule 2360(b)(12).
MIAX	Rule 1311.
ISE Gemini ..	Rule 612.
ISE Mercury	*Rule 612.*
[NYSE	N/A].
PHLX	Rule 1028.
NYSE ARCA	Options Rule 9.18(f) and Equities Rule 9.18(j).
BX	Chapter XI, Section 11.
NASDAQ	Chapter XI, Section 11.

ALLOCATION OF EXERCISE ASSIGNMENT NOTICES

NYSE MKT ..	Rule 981.
BATS	Rule 23.2.
BOX	Rule 9010.
CBOE	Rule 11.2.
C2	CBOE Rule 11.2.
EDGX	Rule 23.2.
ISE	Rule 1101.
FINRA	Rule 2360(b)(23)(C).
MIAX	Rule 701.
ISE Gemini ..	Rule 1101.
ISE Mercury	*Rule 1101.*
[NYSE	N/A].
PHLX	Rule 1043.
NYSE ARCA	Options Rule 6.25(a).
BX	Chapter VIII, Section 2.
NASDAQ	Chapter VIII, Section 2.

DISCLOSURE DOCUMENTS

NYSE MKT ..	Rules 921 and 926.
BATS	Rule 26.10.
BOX	Rule 4100.
CBOE	Rule 9.15.
C2	CBOE Rule 9.15.
EDGX	Rule 26.10.
ISE	Rule 616.
FINRA	Rule 2360(b)(11).
MIAX	Rule 1315.
ISE Gemini ..	Rule 616.

DISCLOSURE DOCUMENTS—Continued

ISE Mercury	*Rule 616.*
[NYSE	N/A].
PHLX	Rule 1024(b)(v), 1029.
NYSE ARCA	Options Rule 9.18(g) and Equities Rule 9.18(g).
BX	Chapter XI, Section 15.
NASDAQ	Chapter XI, Section 15.

BRANCH OFFICES OF MEMBER ORGANIZATIONS

NYSE MKT	Rule 922(d).[4]
BOX	Rule 4010(b).
CBOE	Rule 9.6.
C2	CBOE Rule 9.6.
ISE	Rule 607.
FINRA	Rules 2360(b)(20)(B) and 2355.
MIAX	Rule 1306.
ISE Gemini	Rule 607.
ISE Mercury	*Rule 607.*
[NYSE	N/A].
PHLX	N/A.
NYSE ARCA	Options Rule 9.18(m) and Equities Rule 9.18(m).
BX	Chapter XI, Section 6.
NASDAQ	Chapter XI, Section 6.

[4] FINRA shall only have Regulatory Responsibility for the first paragraph and shall not have any Regulatory Responsibility regarding the requirements for debt options.

PROHIBITION AGAINST GUARANTEES

NYSE MKT	Rule 390.
BATS	Rule 26.13.
BOX	Rule 4130.
CBOE	Rule 9.18.
C2	CBOE Rule 9.18.
EDGX	Rule 26.13.
ISE	Rules 619.
FINRA	Rule 2150(b).
MIAX	Rule 1318.
ISE Gemini	Rule 619.
ISE Mercury	Rule 619.
[NYSE	Rule 2150(b)].
PHLX	Rule 777.
NYSE ARCA	Options Rule 9.1(e).
BX	Chapter XI, Sections 18 and 19.
NASDAQ	Chapter XI, Sections 18 and 19.

SHARING IN ACCOUNTS

NYSE MKT	Rule 390.
BATS	Rule 26.14.[6]
BOX	Rule 4140.
CBOE	Rule 9.18(b).
C2	CBOE Rule 9.18(b).
EDGX	Rule 26.14.[6]
ISE	Rule 620.[5]
FINRA	Rule 2150(c).
MIAX	Rule 1319.
ISE Gemini	Rule 620.[5]
ISE Mercury	*Rule 620.*[5]
[NYSE	Rules 2150(c)].
PHLX	N/A.
NYSE ARCA	Options Rule 9.1(f).

SHARING IN ACCOUNTS—Continued

BX	Chapter XI, Section 19.[6]
NASDAQ	Chapter XI, Section 19.[6]

[5] FINRA shall not have any Regulatory Responsibility regarding ISE's, [and] ISE Gemini's *and ISE Mercury's* requirements to the extent its rule does not contain an exception to permit sharing in the profits and losses of an account.

[6] FINRA shall not have any Regulatory Responsibility regarding NASDAQ's, BX's, BATS's, and EDGX's requirements to the extent such rules do not contain an exception addressing immediate family.

REGISTRATION OF ROP

NYSE MKT	Rule 920.
BATS	Rule 17.2(g)(1), (2), (6) and (7).
BOX	Rule 2020(c)(1), (e)(1) and IM–2040–4 and IM–2040–5(b).
CBOE	Rule 9.2.
C2	CBOE Rule 9.2.
EDGX	Rule 17.2(g)(1), (2), (6) and (7).
ISE	Rule 601.
FINRA	NASD Rules 1022(f), IM–1022–1, & 1250(a)(1).
MIAX	Rule 1301.
ISE Gemini	Rule 601.
ISE Mercury	*Rule 601.*
[NYSE	N/A].
PHLX	Rule 1024(a)(i).
NYSE ARCA	Options Rule 9.26 and Equities Rule 9.26.
BX	Chapter XI, Section 2 and Chapter II, Section 2(g).
NASDAQ	Chapter XI, Section 2 and Chapter II, Section 2(g).

CERTIFICATION OF REGISTERED PERSONNEL [7]

NYSE MKT	Rule 920.
BATS	Rule 2.5 Interpretation .01(c) and 11.4(e).
BOX	IM–2040–3.
CBOE	Rule 9.3.
C2	CBOE Rule 9.3.
EDGX	Rule 2.5 Interpretation .01(c) and 11.4(e).
ISE	Rule 602.
FINRA	NASD Rule 1032(d).
MIAX	Rule 1302.
ISE Gemini	Rule 602.
ISE Mercury	*Rule 602.*
[NYSE	N/A].
PHLX	Rule 1024.
NYSE ARCA	Options Rule 9.27(a).
BX	Chapter XI, Section 3 and Chapter II, Section 2(h).
NASDAQ	Chapter XI, Section 3 and Chapter II, Section 2(h).

[7 FINRA shall not have Regulatory Responsibility with regard to the Series 56 Examination under any exchange rules, as this examination is not recognized by FINRA.]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 S7–966 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 S7–966. 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 plan that are filed with the Commission, and all written communications relating to the proposed plan 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 plan also will be available for inspection and copying at the principal offices of FINRA and ISE Mercury. 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 S7–966 and should be submitted on or before March 14, 2016.

V. Discussion

The Commission continues to believe that the proposed plan is an achievement in cooperation among the SRO participants. The Plan, as amended, will reduce unnecessary regulatory duplication by allocating to the designated SRO the responsibility for certain options-related sales practice matters that would otherwise be

performed by multiple SROs. The plan promotes efficiency by reducing costs to firms that are members of more than one of the SRO participants. In addition, because the SRO participants coordinate their regulatory functions in accordance with the plan, the plan promotes, and will continue to promote, investor protection.

Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed amendment is effective. The primary purpose of the amendment is to add ISE Mercury as a Participant, and remove the NYSE as a Participant, to the Plan. By declaring it effective today, the amended Plan can become effective and be implemented without undue delay.[22] The Commission notes that the prior version of this plan immediately prior to this proposed amendment was published for comment and the Commission did not receive any comments thereon. Furthermore, the Commission does not believe that the amendment to the plan raises any new regulatory issues that the Commission has not previously considered.

VI. Conclusion

This order gives effect to the amended Plan submitted to the Commission that is contained in File No. S7–966.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Plan, as amended, filed with the Commission pursuant to Rule 17d–2 on February 3, 2016, is hereby approved and declared effective.

It is further ordered that those SRO participants that are not the DOEA as to a particular common member are relieved of those regulatory responsibilities allocated to the common member's DOEA under the amended Plan to the extent of such allocation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03533 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

[22] On January 29, 2016, the Commission approved ISE Mercury's application for registration as a national securities exchange. *See* Securities Exchange Act Release No. 76998, 81 FR 6066 (February 4, 2016).

[23] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77149; File No. 4–551]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amendment to the Plan for the Allocation of Regulatory Responsibilities Among NYSE MKT LLC, BATS Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, the Chicago Board Options Exchange, Incorporated, the EDGX Exchange, Inc., the International Securities Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Financial Industry Regulatory Authority, Inc., NYSE Arca, Inc., The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., the NASDAQ OMX PHLX, Inc., and Miami International Securities Exchange, LLC Concerning Options-Related Market Surveillance

February 16, 2016.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility (''Plan'') filed on February 9, 2016, pursuant to Rule 17d–2 of the Act,[2] by NYSE MKT LLC (''MKT''), BATS Exchange, Inc., (''BATS''), the BOX Options Exchange LLC (''BOX''), C2 Options Exchange, Incorporated (''C2''), the Chicago Board Options Exchange, Incorporated (''CBOE''), the EDGX Exchange, Inc. (''EDGX'') the International Securities Exchange LLC (''ISE''), ISE Gemini, LLC (''Gemini''), ISE Mercury, LLC (''ISE Mercury''), Financial Industry Regulatory Authority, Inc. (''FINRA''), NYSE Arca, Inc. (''Arca''), The NASDAQ Stock Market LLC (''Nasdaq''), NASDAQ OMX BX, Inc. (''BX''), NASDAQ OMX PHLX, Inc. (''PHLX''), and Miami International Securities Exchange (''MIAX'') (collectively, ''Participating Organizations'' or ''parties'').

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)[4] or Section 19(g)(2)[5] of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d).

[5] 15 U.S.C. 78s(g)(2).

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On December 11, 2007, the Commission declared effective the Participating Organizations' Plan for allocating regulatory responsibilities pursuant to Rule 17d–2.[11] On April 11, 2008, the Commission approved an amendment to the Plan to include NASDAQ as a participant.[12] On October 9, 2008, the Commission approved an amendment to the Plan to clarify that the term Regulatory Responsibility for options position limits includes the examination responsibilities for the delta hedging exemption.[13] On February 25, 2010, the Commission approved an amendment to the Plan to add BATS and C2 as SRO participants and to reflect the name changes of the American Stock Exchange LLC to the NYSE Amex LLC, and the Boston Stock Exchange, Inc. to the NASDAQ OMX BX, Inc.[14] On May 11, 2012, the Commission approved an amendment to the Plan to add BOX as a participant to the Plan.[15] On December 5, 2012, the Commission approved an amendment to the Plan to add MIAX as a participant to the Plan.[16] On July 23, 2013, the Commission approved an amendment to the Plan to add Topaz Exchange, LLC as a Participant to the Plan.[17] On October 27, 2015, the Commission approved an amendment to add EDGX as a Participant to the Plan and to change the name of Topaz Exchange, LLC to ISE Gemini, LLC.[18]

The Plan is designed to reduce regulatory duplication for common members by allocating regulatory responsibility for certain options-related market surveillance matters among the Participating Organizations. Generally, under the Plan, a Participating Organization will serve as the Designated Options Surveillance Regulator (''DOSR'') for each common member assigned to it and will assume regulatory responsibility with respect to that common member's compliance with applicable common rules for certain accounts. When an SRO has been named as a common member's DOSR, all other SROs to which the common member belongs will be relieved of regulatory responsibility for that common member, pursuant to the terms of the Plan, with respect to the applicable common rules specified in Exhibit A to the Plan.

III. Proposed Amendment to the Plan

On February 9, 2016, the parties submitted a proposed amendment to the Plan. The primary purpose of the amendment is to add ISE Mercury as a Participant to the Plan. The text of the proposed amended 17d–2 plan is as follows (additions are *italicized;* deletions are [bracketed]):

* * * * *

AGREEMENT BY AND AMONG NYSE MKT LLC, BATS EXCHANGE, INC., EDGX EXCHANGE INC., BOX OPTIONS EXCHANGE LLC, NASDAQ OMX BX, INC., C2 OPTIONS EXCHANGE, INCORPORATED, THE CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED, THE INTERNATIONAL SECURITIES EXCHANGE LLC, ISE GEMINI, LLC, ISE MERCURY, LLC, FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC., NYSE ARCA, INC., THE NASDAQ STOCK MARKET LLC, NASDAQ OMX PHLX, INC., AND MIAMI INTERNATIONAL SECURITIES EXCHANGE, LLC PURSUANT TO RULE 17d–2 UNDER THE SECURITIES EXCHANGE ACT OF 1934

This agreement (this ''Agreement''), by and among NYSE MKT LLC (''MKT''), BATS Exchange, Inc., (''BATS''), the EDGX Exchange, Inc (''EDGX''), the C2 Options Exchange, Incorporated (''C2''), the Chicago Board Options Exchange, Incorporated (''CBOE''), the International Securities Exchange LLC (''ISE''), Financial Industry Regulatory Authority, Inc. (''FINRA''), NYSE Arca, Inc. (''Arca''), The NASDAQ Stock Market LLC (''Nasdaq''), BOX Options Exchange LLC (''BOX''), NASDAQ OMX BX, Inc. (''BX''), NASDAQ OMX PHLX, Inc. (''PHLX''), Miami International Securities Exchange, LLC (''MIAX'') [and], ISE Gemini, LLC (''Gemini''), *and ISE Mercury, LLC (''Mercury'')* is made this 10th day of October 2007, and as amended the 31st day of March 2008, the 1st day of October 2008, the 3rd day of February 2010, the 25th day of April 2012, and the 19th day of November 2012, and the 30th day of May 2013, and the 16th day of October 2015*, and the 29th day of January 2016,* pursuant to Section 17(d) of the Securities Exchange Act of 1934, as amended (the ''Exchange Act''), and Rule 17d–2 thereunder (''Rule 17d–2''), which allows for a joint plan among self-regulatory organizations (''SROs'') to allocate regulatory obligations with respect to brokers or dealers that are members of two or more of the parties to this Agreement (''Common Members''). MKT, BATS, C2, CBOE, EDGX, ISE Gemini, ISE, *ISE Mercury,* FINRA, Arca, Nasdaq, BOX, BX, PHLX, and MIAX are collectively referred to herein as the ''Participants'' and individually, each a ''Participant.'' This Agreement shall be administered by a committee known as the Options Surveillance Group (the ''OSG'' or ''Group''), as described in Section V hereof. Unless defined in this

[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 56941 (December 11, 2007), 72 FR 71723 (December 18, 2007) (File No. 4–551).

[12] *See* Securities Exchange Act Release No. 57649 (April 11, 2008), 73 FR 20976 (April 17, 2008) (File No. 4–551).

[13] *See* Securities Exchange Act Release No. 58765 (October 9, 2008), 73 FR 62344 (October 20, 2008) (File No. 4–551).

[14] *See* Securities Exchange Act Release No. 61588 (February 25, 2010), 75 FR 9970 (March 4, 2010) (File No. 4–551).

[15] *See* Securities Exchange Act Release No. 66975 (May 11, 2012), 77 FR 29712 (May 18, 2010) (File No. 4–551).

[16] *See* Securities Exchange Act Release No. 68362 (December 5, 2012), 77 FR 73719 (December 11, 2012) (File No. 4–551).

[17] *See* Securities Exchange Act Release No. 70052 (July 26, 2013), 78 FR 46665 (August 1, 2013) (File No. 4–551).

[18] *See* Securities Exchange Act Release No. 76310 (October 29, 2015), 80 FR 68354 (November 4, 2015) (File No. 4–551).

Agreement or the context otherwise requires, the terms used herein shall have the meanings assigned thereto by the Exchange Act and the rules and regulations thereunder.

Whereas, the Participants desire to eliminate regulatory duplication with respect to SRO market surveillance of Common Member [1] activities with regard to certain common rules relating to listed options (''Options''); and

Whereas, for this purpose, the Participants desire to execute and file this Agreement with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') pursuant to Rule 17d–2.

Now, therefore, in consideration of the mutual covenants contained in this Agreement, the Participants agree as follows:

I. Except as otherwise provided in this Agreement, each Participant shall assume Regulatory Responsibility (as defined below) for the Common Members that are allocated or assigned to such Participant in accordance with the terms of this Agreement and shall be relieved of its Regulatory Responsibility as to the remaining Common Members. For purposes of this Agreement, a Participant shall be considered to be the Designated Options Surveillance Regulator (''DOSR'') for each Common Member that is allocated to it in accordance with Section VII.

II. As used in this Agreement, the term ''Regulatory Responsibility'' shall mean surveillance, investigation and enforcement responsibilities relating to compliance by the Common Members with such Options rules of the Participants as the Participants shall determine are substantially similar and shall approve from time to time, insofar as such rules relate to market surveillance (collectively, the ''Common Rules''). For the purposes of this Agreement the list of Common Rules is attached as Exhibit A hereto, which may only be amended upon unanimous written agreement by the Participants. The DOSR assigned to each Common Member shall assume Regulatory Responsibility with regard to that Common Member's compliance with the applicable Common Rules for certain accounts.[2] A DOSR may perform its Regulatory Responsibility or enter an agreement to transfer or assign such responsibilities to a national securities exchange registered with the SEC under Section 6(a) of the Exchange Act or a national securities association registered with the SEC under Section 15A of the Exchange Act. A DOSR may not transfer or assign its Regulatory Responsibility to an association registered for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products.

The term ''Regulatory Responsibility'' does not include, and each Participant shall retain full responsibility with respect to:

(a) Surveillance, investigative and enforcement responsibilities other than those included in the definition of Regulatory Responsibility;

(b) any aspects of the rules of a Participant that are not substantially similar to the Common Rules or that are allocated for a separate surveillance purpose under any other agreement made pursuant to Rule 17d–2. Any such aspects of a Common Rule will be noted as excluded on Exhibit A.

With respect to options position limits, the term Regulatory Responsibility shall include examination responsibilities for the delta hedging exemption. Specifically, the Participants intend that FINRA will conduct examinations for delta hedging for all Common Members that are members of FINRA notwithstanding the fact that FINRA's position limit rule is, in some cases, limited to only firms that are not members of an options exchange (*i.e.,* access members). In such cases, FINRA's examinations for delta hedging options position limit violations will be for the identical or substantively similar position limit rule(s) of the other Participant(s). Examinations for delta hedging for Common Members that are non-FINRA members will be conducted by the same Participant conducting position limit surveillance. The allocation of Common Members to DOSRs for surveillance of compliance with options position limits and other agreed to Common Rules is provided in Exhibit B. The allocation of Common Members to DOSRs for examinations of the delta hedging exemption under the options position limits rules is provided in Exhibit C.

III. Each year within 30 days of the anniversary date of the commencement of operation of this Agreement, or more frequently if required by changes in the rules of a Participant, each Participant shall submit to the other Participants, through the Chair of the OSG, an updated list of Common Rules for review. This updated list may add Common Rules to Exhibit A, shall delete from Exhibit A rules of that Participant that are no longer identical or substantially similar to the Common Rules, and shall confirm that the remaining rules of the Participant included on Exhibit A continue to be identically or substantially similar to the Common Rules. Within 30 days from the date that each Participant has received revisions to Exhibit A from the Chair of the OSG, each Participant shall confirm in writing to the Chair of the OSG whether that Participant's rules listed in Exhibit A are Common Rules.

IV. Apparent violation of another Participant's rules discovered by a DOSR, but which rules are not within the scope of the discovering DOSR's Regulatory Responsibility, shall be referred to the relevant Participant for such action as is deemed appropriate by that Participant. Notwithstanding the foregoing, nothing contained herein shall preclude a DOSR in its discretion from requesting that another Participant conduct an investigative or enforcement proceeding (''Proceeding'') on a matter for which the requesting DOSR has Regulatory Responsibility. If such other Participant agrees, the Regulatory Responsibility in such case shall be deemed transferred to the accepting Participant and confirmed in writing by the Participants involved. Additionally, nothing in this Agreement shall prevent another Participant on whose market potential violative activity took place from conducting its own Proceeding on a matter. The Participant conducting the Proceeding shall advise the assigned DOSR. Each Participant agrees, upon request, to make available promptly all relevant files, records and/or witnesses necessary to assist another Participant in a Proceeding.

V. The OSG shall be composed of one representative designated by each of the Participants (a ''Representative''). Each Participant shall also designate one or more persons as its alternate representative(s) (an ''Alternate Representative''). In the absence of the Representative, the Alternate Representative shall assume the powers, duties and responsibilities of the Representative. Each Participant may at any time replace its Representative and/or its Alternate Representative to the Group.[3] A majority of the OSG shall constitute a quorum and, unless otherwise required, the affirmative vote of a majority of the Representatives present (in person, by telephone or by written consent) shall be necessary to constitute action by the Group. The Group will have a Chair, Vice Chair and

[1] In the case of the BX and BOX, members are those persons who are Options Participants (as defined in the BOX Options Exchange LLC Rules and NASDAQ OMX BX, Inc. Rules).

[2] Certain accounts shall include customer (''C'' as classified by the Options Clearing Corporation (''OCC'')) and firm (''F'' as classified by OCC) accounts, as well as other accounts, such as market maker accounts as the Participants shall, from time to time, identify as appropriate to review.

[3] A Participant must give notice to the Chair of the Group of such a change.

Secretary. A different Participant will assume each position on a rotating basis for a one-year term. In the event that a Participant replaces a Representative who is acting as Chair, Vice Chair or Secretary, the newly appointed Representative shall assume the position of Chair, Vice Chair, or Secretary (as applicable) vacated by the Participant's former Representative. In the event a Participant cannot fulfill its duties as Chair, the Participant serving as Vice Chair shall substitute for the Chair and complete the subject unfulfilled term. All notices and other communications for the OSG are to be sent in care of the Chair and, as appropriate, to each Representative.

VI. The OSG shall determine the times and locations of Group meetings, provided that the Chair, acting alone, may also call a meeting of the Group in the event the Chair determines that there is good cause to do so. To the extent reasonably possible, notice of any meeting shall be given at least ten business days prior to the meeting date. Representatives shall always be given the option of participating in any meeting telephonically at their own expense rather than in person.

VII. No less frequently than every two years, in such manner as the Group deems appropriate, the OSG shall allocate Common Members that conduct an Options business among the Participants (''Allocation''), and the Participant to which a Common Member is allocated will serve as the DOSR for that Common Member. Any Allocation shall be based on the following principles, except to the extent all affected Participants consent to one or more different principles:

(a) The OSG may not allocate a Common Member to a Participant unless the Common Member is a member of that Participant.

(b) To the extent practicable, Common Members that conduct an Options business shall be allocated among the Participants of which they are members in such manner as to equalize as nearly as possible the allocation among such Participants, provided that no Common Members shall be allocated to FINRA. For example, if sixteen Common Members that conduct an Options business are members only of three Participants, none of which is FINRA, those Common Members shall be allocated among the three Participants such that no Participant is allocated more than six such members and no Participant is allocated less than five such members. If, in the previous example, one of the three Participants is FINRA, the sixteen Common Members would be allocated evenly between the remaining Participants, so that the two non-FINRA Participants would be allocated eight Common Members each.

(c) To the extent practicable, Allocation shall take into account the amount of Options activity conducted by each Common Member in order to most evenly divide the Common Members with the largest amount of activity among the Participants of which they are members. Allocation will also take into account similar allocations pursuant to other plans or agreements to which the Common Members are party to maintain consistency in oversight of the Common Members.[4]

(d) To the extent practicable, Allocation of Common Members to Participants will be rotated among the applicable Participants such that a Common Member shall not be allocated to a Participant to which that Common Member was allocated within the previous two years. The assignment of DOSRs pursuant to the Allocation is attached as Exhibit B hereto, and will be updated from time to time to reflect Common Member Allocation changes.

(e) The Group may reallocate Common Members from time-to-time, as it deems appropriate.

(f) Whenever a Common Member ceases to be a member of its DOSR, the DOSR shall promptly inform the Group, which shall review the matter and allocate the Common Member to another Participant.

(g) A DOSR may request that a Common Member to which it is assigned be reallocated to another Participant by giving 30 days written notice to the Chair of the OSG. The Group, in its discretion, may approve such request and reallocate the Common Member to another Participant.

(h) All determinations by the Group with respect to Allocation shall be made by the affirmative vote of a majority of the Participants that, at the time of such determination, share the applicable Common Member being allocated; a Participant shall not be entitled to vote on any Allocation relating to a Common Member unless the Common Member is a member of such Participant.

VIII. Each DOSR shall conduct routine surveillance reviews to detect violations of the applicable Common Rules by each Common Member allocated to it with a frequency (daily, weekly, monthly, quarterly, semi-annually or annually as noted on Exhibit A) not less than that determined by the Group. The other Participants agree that, upon request, relevant information in their respective files relative to a Common Member will be made available to the applicable DOSR. In addition, each Participant shall provide, to the extent not otherwise already provided, information pertaining to its surveillance program that would be relevant to FINRA or the Participant(s) conducting routine examinations for the delta hedging exemption.

At each meeting of the OSG, each Participant shall be prepared to report on the status of its surveillance program for the previous quarter and any period prior thereto that has not previously been reported to the Group. In the event a DOSR believes it will not be able to complete its Regulatory Responsibility for its allocated Common Members, it will so advise the Group in writing promptly. The Group will undertake to remedy this situation by reallocating the subject Common Members among the remaining Participants. In such instance, the Group may determine to impose a regulatory fee for services provided to the DOSR that was unable to fulfill its Regulatory Responsibility.

IX. Each Participant will, upon request, promptly furnish a copy of the report or applicable portions thereof relating to any investigation made pursuant to the provisions of this Agreement to each other Participant of which the Common Member under investigation is a member.

X. Each Participant will routinely populate a common database, to be accessed by the Group relating to any formal regulatory action taken during the course of a Proceeding with respect to the Common Rules concerning a Common Member.

XI. Any written notice required or permitted to be given under this Agreement shall be deemed given if sent by certified mail, return receipt requested, to any Participant to the attention of that Participant's Representative, to the Participant's principal place of business or by email at such address as the Representative shall have filed in writing with the Chair.

XII. The costs incurred by each Participant in discharging its Regulatory Responsibility under this Agreement are not reimbursable. However, any of the Participants may agree that one or more will compensate the other(s) for costs incurred.

XIII. The Participants shall notify the Common Members of this Agreement by means of a uniform joint notice approved by the Group. Each Participant will notify the Common Members that have been allocated to it

[4] For example, if one Participant was allocated a Common Member by another regulatory group that Participant would be assigned to be the DOSR of that Common Member, unless there is good cause not to make that assignment.

that such Participant will serve as DOSR for that Common Member.

XIV. This Agreement shall be effective upon approval of the Commission. This Agreement may only be amended in writing duly approved by each Participant. All amendments to this Agreement, excluding changes to Exhibits A, B and C, must be filed with and approved by the Commission.

XV. Any Participant may manifest its intention to cancel its participation in this Agreement at any time upon providing written notice to (i) the Group six months prior to the date of such cancellation, or such other period as all the Participants may agree, and (ii) the Commission. Upon receipt of the notice the Group shall allocate, in accordance with the provisions of this Agreement, those Common Members for which the canceling Participant was the DOSR. The canceling Participant shall retain its Regulatory Responsibility and other rights, privileges and duties pursuant to this Agreement until the Group has completed the reallocation as described above, and the Commission has approved the cancellation.

XVI. The cancellation of its participation in this Agreement by any Participant shall not terminate this Agreement as to the remaining Participants. This Agreement will only terminate following notice to the Commission, in writing, by the then Participants that they intend to terminate the Agreement and the expiration of the applicable notice period. Such notice shall be given at least six months prior to the intended date of termination, or such other period as all the Participants may agree. Such termination will become effective upon Commission approval.

XVII. Participation in the Group shall be strictly limited to the Participants and no other party shall have any right to attend or otherwise participate in the Group except with the unanimous approval of all Participants. Notwithstanding the foregoing, any national securities exchange registered with the SEC under Section 6(a) of the Act or any national securities association registered with the SEC under section 15A of the Act may become a Participant to this Agreement provided that: (i) Such applicant has adopted rules substantially similar to the Common Rules, and received approval thereof from the SEC; (ii) such applicant has provided each Participant with a signed statement whereby the applicant agrees to be bound by the terms of this Agreement to the same effect as though it had originally signed this Agreement and (iii) an amended agreement reflecting the addition of such applicant as a Participant has been filed with and approved by the Commission.

XVIII. This Agreement is wholly separate from the multiparty Agreement made pursuant to Rule 17d–2 by and among the NYSE MKT LLC, the BATS Exchange, Inc., [the Boston Stock Exchange, Inc.] *BOX Options Exchange, LLC,* the C2 Options Exchange, *Inc.,* the Chicago Board Options Exchange, Inc., the International Securities Exchange, LLC, Financial Industry Regulatory Authority, The NASDAQ Stock Market LLC, [Inc.,] the New York Stock Exchange, LLC, the NYSE Arca, Inc., [the Philadelphia Stock Exchange, Inc.] *the NASDAQ OMX BX, Inc., the NASDAQ OMX PHLX, LLC,* Miami International Securities Exchange, LLC*, ISE Gemini, LLC* [and the Topaz Exchange, LLC] *and EDGX Exchange, Inc.* involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct by broker-dealers of accounts for listed options or index warrants entered into on [June 21, 2013] *October 8, 2015,* and as may be amended from time to time.

LIMITATION OF LIABILITY

No Participant nor the Group nor any of their respective directors, governors, officers, employees or representatives shall be liable to any other Participant in this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibility as provided hereby or for the failure to provide any such Regulatory Responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or more of the Participants and caused by the willful misconduct of one or more of the other Participants or its respective directors, governors, officers, employees or representatives. No warranties, express or implied, are made by the Participants, individually or as a group, or by the OSG with respect to any Regulatory Responsibility to be performed hereunder.

RELIEF FROM RESPONSIBILITY

Pursuant to Section 17(d)(1)(A) of the Exchange Act and Rule 17d–2, the Participants join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve the Participants that are party to this Agreement and are not the DOSR as to a Common Member of any and all Regulatory Responsibility with respect to the matters allocated to the DOSR.

* * * * *

EXHIBIT A

Options Surveillance Group 17d–2 Agreement

COMMON RULES as of [January 1] *January 29*, 2016

VIOLATION I—EXPIRING EXERCISE DECLARATIONS (EED)—FOR LISTED AND FLEX EQUITY OPTIONS

SRO	Description of rule	Exchange rule No.	Frequency of review
BATS	Exercise of Options Contracts	Rule 23.1	At Expiration.
BOX	Exercise of Options Contracts	Rule 9000	At Expiration.
C2	Exercise of Options Contracts	Rule 11.1	At Expiration.
CBOE	Exercise of Options Contracts	Rule 11.1	At Expiration.
EDGX	Exercise of Options Contracts	Rule 23.1	At Expiration.
FINRA	Exercise of Options Contracts	Rule 2360(b)(23)	At Expiration.
ISE	Exercise of Options Contracts	Rule 1100	At Expiration.
ISE Gemini	Exercise of Options Contracts	Rule 1100	At Expiration.
ISE Mercury	*Exercise of Options Contracts*	*Rule 1100*	*At Expiration.*
MIAX	Exercise of Options Contracts	Rule 700	At Expiration.
Nasdaq	Exercise of Options Contracts	Ch. VIII, Sect. 1	At Expiration.
Nasdaq OMX BX	Exercise of Options Contracts	Ch. VII, Sect. 1	At Expiration.
Nasdaq OMX PHLX	Exercise of Equity Options Contracts	Rule 1042	At Expiration.
NYSE Arca	Exercise of Options Contracts	Rule 6.24	At Expiration.
NYSE MKT	Exercise of Options Contracts	Rule 980	At Expiration.

VIOLATION II—POSITION LIMITS (PL)—FOR LISTED EQUITY OPTIONS

SRO	Description of rule (for review as they apply to PL)	Exchange rule No.	Frequency of review
BATS	Position Limits	Rule 18.7	Daily.
	Exemptions from Position	Rule 18.8	As Needed.
	Liquidation Positions	Rule 18.11	As Needed.
BOX	Position Limits	Rule 3120	Daily.
	Exemptions from Position Limits	Rule 3130	As Needed.
	Liquidation Positions	Rule 3160	As Needed.
C2	Position Limits	Rule 4.11	Daily.
	Liquidation of Positions	Rule 4.14	As Needed.
CBOE	Position Limits	Rule 4.11	Daily.
	Liquidation of Positions	Rule 4.14	As Needed.
EDGX	Position Limits	Rule 18.7	Daily.
	Exemptions from Position	Rule 18.8	As Needed.
	Liquidation Positions	Rule 18.11	As Needed.
FINRA	Position Limits	Rule 2860(b)(3)	Daily.
	Liquidation of Positions and Restrictions on Access	Rule 2860(b)(6)	As Needed.
ISE	Position Limits	Rule 412	Daily.
	Exemptions from Position Limits	Rule 413	As Needed.
	Liquidating Positions	Rule 416	As Needed.
ISE Gemini	Position Limits	Rule 412	Daily.
	Exemptions from Position Limits	Rule 413	As Needed.
	Liquidating Positions	Rule 416	As Needed.
ISE Mercury	*Position Limits*	*Rule 412*	*Daily.*
	Exemptions from Position Limits	*Rule 413*	*As Needed.*
	Liquidating Positions	*Rule 416*	*As Needed.*
MIAX	Position Limits	Rule 307	Daily.
	Exemptions from Position Limits	Rule 308	As Needed.
	Liquidating Positions	Rule 311	As Needed.
Nasdaq	Position Limits	Ch. III, Sect. 7	Daily.
	Exemptions from Position Limits	Ch. III, Sect. 8	As Needed.
	Liquidating Positions	Ch. III, Sect. 11	As Needed.
Nasdaq OMX BX	Position Limits	Ch. III, Sect. 7	Daily.
	Exemptions from Position Limits	Ch. III, Sect. 8	As Needed.
	Liquidating Positions	Ch. III, Sect. 11	As Needed.
Nasdaq OMX PHLX	Position Limits	Rule 1001	Daily.
	Liquidation of Position	Rule 1004	As Needed.
NYSE Arca	Position Limits	Rule 6.8	Daily.
	Liquidation of Position	Rule 6.7	As Needed.
NYSE MKT	Position Limits	Rule 904	Daily.
	Liquidating Positions	Rule 907	As Needed.

VIOLATION III—LARGE OPTIONS POSITION REPORT (LOPR)—FOR LISTED AND FLEX EQUITY OPTIONS AND ETF OPTIONS

SRO	Description of rule (for review as they apply to LOPR)	Exchange rule No.	Frequency of review
BATS	Reports Related to Position Limits	Rule 18.10	Yearly.
BOX	Reports Related to Position Limits	Rule 3150	Yearly.
C2	Reports Related to Position Limits	Rule 4.13(a)	Yearly.
	Reports Related to Position Limits	Rule 4.13(b)	Yearly.
	Reports Related to Position Limits	Rule 4.13(d)	Yearly.
CBOE	Reports Related to Position Limits	Rule 4.13(a)	Yearly.
	Reports Related to Position Limits	Rule 4.13(b)	Yearly.
	Reports Related to Position Limits	Rule 4.13(d)	Yearly.
EDGX	Reports Related to Position Limits	Rule 18.10	Yearly.
FINRA	Options	Rule 2360(b)(5)	Yearly.
ISE	Reports Related to Position Limits	Rule 415	Yearly.
ISE Gemini	Reports Related to Position Limits	Rule 415	Yearly.
ISE Mercury	*Reports Related to Position Limits*	*Rule 415*	*Yearly.*
MIAX	Reports Related to Position Limits	Rule 310	Yearly.
Nasdaq	Reports Related to Position Limits	Ch. III, Sect. 10	Yearly.
Nasdaq OMX BX	Reports Related to Position Limits	Ch. III, Sect. 10	Yearly.
Nasdaq OMX PHLX	Reporting of Options Positions	Rule 1003	Yearly.
NYSE Arca	Reporting of Options Positions	Rule 6.6	Yearly.
NYSE MKT	Reporting of Options Positions	Rule 906	Yearly.

VIOLATION IV—OPTIONS CLEARING CORPORATION (OCC) ADJUSTMENT PROCESS

SRO	Description of rule (as they apply to OCC Adjustments/By-laws (Article V, Section 1.01(a) and .02))	Exchange rule No.	Frequency of review
BATS	Adherence to Law	Rule 18.1	Yearly.
BOX	Adherence to Law	Rule 3010	Yearly.
C2	Adherence to Law	Rule 4.2	Yearly.
CBOE	Adherence to Law	Rule 4.2	Yearly.
EDGX	Adherence to Law	Rule 18.1	Yearly.
FINRA	Violation of By-Laws and Rules of FINRA or The OCC	Rule 2360(b)(21)	Yearly.
ISE	Adherence to Law	Rule 401	Yearly.
ISE Gemini	Adherence to Law	Rule 401	Yearly.
ISE Mercury	*Adherence to Law*	*Rule 401*	*Yearly.*
MIAX	Adherence to Law	Rule 300	Yearly.
Nasdaq	Adherence to Law	Ch. III, Sect. 1	Yearly.
Nasdaq OMX BX	Adherence to Law	Ch. III, Sect. 1	Yearly.
Nasdaq OMX PHLX	Violation of By-Laws and Rules of OCC	Rule 1050	Yearly.
NYSE Arca	Adherence to Law and Good Business Practice	Rule 11.1	Yearly.
NYSE MKT	Business Conduct	Rule 16	Yearly.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 4–551 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 *4–551.* 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 plan that are filed with the Commission, and all written communications relating to the proposed plan 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 plan also will be available for inspection and copying at the principal offices of MKT, BATS, C2, CBOE, EDGX, Gemini, ISE, ISE Mercury, FINRA, Arca, NASDAQ, BOX, BX, Phlx, and MIAX. 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 4–551 and should be submitted on or before March 14, 2016.

V. Discussion

The Commission continues to believe that the Plan, as proposed to be amended, is an achievement in cooperation among the SRO participants. The Plan, as amended, will reduce unnecessary regulatory duplication by allocating to the designated SRO the responsibility for certain options-related market surveillance matters that would otherwise be performed by multiple SROs. The Plan promotes efficiency by reducing costs to firms that are members of more than one of the SRO participants. In addition, because the SRO participants coordinate their regulatory functions in accordance with the Plan, the Plan promotes, and will continue to promote, investor protection. Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed amendment is effective. The primary purpose of the amendment is to add ISE Mercury as a Participant to the Plan. By declaring it effective today, the amended Plan can become effective and be implemented without undue delay.[19] In addition, the Commission notes that the prior version of this Plan was published for comment, and the Commission did not receive any comments thereon. Finally, the Commission does not believe that the amendment to the Plan raises any new regulatory issues that the Commission has not previously considered.

VI. Conclusion

This order gives effect to the amended Plan submitted to the Commission that is contained in File No. 4–551.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Plan, as amended by and between MKT, BATS, C2, CBOE, EDGX, Gemini, ISE, ISE Mercury, FINRA, Arca, NASDAQ, BOX, BX, Phlx, and MIAX, filed with the Commission pursuant to Rule 17d–2 on February 9, 2016 is hereby approved and declared effective.

It is further ordered that those SRO participants that are not the DOSR as to a particular common member are relieved of those regulatory responsibilities allocated to the common member's DOSR under the amended Plan to the extent of such allocation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03534 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

[19] On January 29, 2016, the Commission approved ISE Mercury's application for registration as a national securities exchange. *See* Securities Exchange Act Release No. 76998, 81 FR 6066 (February 4, 2016).

[20] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77146; File No. SR–EDGA–2016–01]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Certificate of Incorporation and Bylaws of the Exchange's Ultimate Parent Company, BATS Global Markets, Inc.

February 16, 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 9, 2016, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the certificate of incorporation and bylaws of the Exchange's ultimate parent company, BATS Global Markets, Inc. (the ''Corporation'').

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

On December 16, 2015, the Corporation, the ultimate parent company of the Exchange, filed a registration statement on Form S–1 with the Commission seeking to register shares of common stock and to conduct an initial public offering of those shares, which will be listed for trading on BATS Exchange, Inc. (the ''IPO''). In connection with its IPO, the Corporation intends to (i) amend and restate its current certificate of incorporation (the ''Current Certificate of Incorporation'') and adopt these changes as its Amended and Restated Certificate of Incorporation (the ''New Certificate of Incorporation''), and (ii) amend and restate its current bylaws (the ''Current Bylaws'') and adopt these changes as its Amended and Restated Bylaws (the ''New Bylaws''). It is anticipated that the New Certificate of Incorporation and the New Bylaws will become effective (the ''Effective Date'') the moment before the closing of the IPO.

The amendments to the Current Certificate of Incorporation include, among other things, (i) increasing the total number of authorized shares of capital stock of the Corporation, (ii) effecting a conversion and elimination of one class of non-voting common stock and reclassifying the remaining class of non-voting common stock, (iii) establishing a classified board structure, (iv) prohibiting cumulative voting in the election of directors, (v) eliminating the process for action by written consent of stockholders, (vi) revising certain requirements for approval of future amendments to the New Certificate of Incorporation, and (vii) and changing the name of the Corporation from ''BATS Global Markets, Inc.'' to ''Bats Global Markets, Inc.''

The amendments to the Current Bylaws include, among other things, (i) revising the procedures for stockholder proposals and nomination of directors, (ii) revising the authority to call special meetings of the stockholders, (iii) eliminating the process for action by written consent of stockholders, (iv) establishing a classified board structure, (v) revising the requirements for removal of directors, (vi) removing duplicative provisions relating to the indemnification of officers and directors that are contained in the Current Certificate of Incorporation (and are proposed to be maintained in the New Certificate of Incorporation), (vii) revising certain requirements for approval of future amendments to the New Bylaws, (viii) eliminating the authority to make loans to corporate officers, and (ix) changes to reflect the change of the Corporation's name. The amendments to the Corporation's Current Certificate of Incorporation and Current Bylaws are intended primarily to reflect (i) the adoption of provisions more customary for publicly-owned companies, (ii) changes to the Corporation's capital structure, specifically with respect to non-voting common stock, and (iii) stylistic and other non-substantive changes.[3]

The purpose of this rule filing is to submit for Commission approval the New Certificate of Incorporation and the New Bylaws. The changes described herein relate to the certificate of incorporation and bylaws of the Corporation only, not to the governance of the Exchange. The Exchange will continue to be governed by its existing certificate of incorporation and bylaws. The stock in, and voting power of, the Exchange will continue to be directly and solely held by Direct Edge LLC, an intermediate holding company wholly-owned by the Corporation.

The Corporation was originally formed as BATS Global Markets Holdings, Inc. on August 22, 2013 as a new ultimate holding company for the Exchange as a result of a business combination involving the ultimate holding company of the Exchange at the time and the ultimate holding company at the time of BATS Exchange, Inc. and BATS Y-Exchange, Inc.[4]

1. The New Certificate of Incorporation

a. Capital Stock; Voting Rights

The current capital structure of the Corporation is comprised of 75 million authorized shares of Common Stock,

[3] Certain of the amendments proposed to be adopted in the New Certificate of Incorporation and New Bylaws were previously approved by the Commission in 2011 as part of proposed amendments to the certificate of incorporation and bylaws of the ultimate parent company of BATS Exchange, Inc. and BATS Y-Exchange Inc. at the time. *See, e.g.,* Securities Exchange Act Release No. 65646 (October 27, 2011), 76 FR 67783 (November 2, 2011) (SR–BATS–2011–033); Securities Exchange Act Release No. 65728 (November 10, 2011), 76 FR 71411 (November 17, 2011) (SR–BATS–2011–035). Although approved, the Exchange understands that these amendments were not ultimately implemented.

[4] The ownership structure of the Exchange at the time of the business combination and the Current Certificate of Incorporation and Current Bylaws of the Corporation are further described in the Commission's order approving the Exchange's proposed rule changes in connection with the Corporation's business combination with Direct Edge Holdings LLC. *See* Securities Exchange Act Release No. 71449; (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGA–2013–34; SR–EDGX–2013–43).

consisting of 55 million shares of Voting Common Stock, 10 million shares of Class A Non-Voting Common Stock and 10 million shares of Class B Non-Voting Common Stock. Article Fourth(a)(i) of the New Certificate of Incorporation would revise this capital structure such that there would be 150 million total authorized shares of capital stock, consisting of 125 million shares designated as Voting Common Stock and a single class of 10 million shares designated as Non-Voting Common Stock (together with Voting Common Stock, ''Common Stock''), as well as 15 million shares of Preferred Stock.

The Corporation's existing Class A Non-Voting Common Stock is currently held by International Securities Exchange Holdings, Inc. (''ISE Holdings''). Pursuant to the Investor Rights Agreement dated January 31, 2014, among the Corporation and its stockholders signatory thereto (the ''Investor Rights Agreement''), and the Current Certificate of Incorporation, ISE Holdings' shares of Class A Non-Voting Common Stock may convert into Voting Common Stock (i) automatically with respect to any shares transferred to persons other than related persons of ISE Holdings; (ii) upon the termination of the Investor Rights Agreement, with such agreement (other than with respect to registration rights) terminating upon the IPO; or (iii) automatically with respect to any shares of Class A Non-Voting Common Stock sold by ISE Holdings in any public offering of the stock of the Corporation. In addition, ISE Holdings' shares of Class A Non-Voting Common Stock may convert into Voting Stock at the option of ISE Holdings, provided that ISE Holdings furnishes to the Corporation a written notice stating that ISE Holdings desires to convert a stated number of shares of Class A Non-Voting Common Stock and the certificates representing such shares.[5]

As a result of these conversion rights, the Corporation expects the Class A Non-Voting Common Stock to convert into Voting Common Stock at the time of the IPO. To effect this conversion, Article Fourth(b)(i) of the New Certificate of Incorporation states that, at the time that the New Certificate of Incorporation becomes effective (the ''Effective Time''),[6] each authorized, issued and outstanding share of Class A Non-Voting Common Stock shall be automatically converted into one share of Voting Common Stock. To simplify the capital structure of the Corporation, Article Fourth(b)(ii) would reclassify each authorized, issued and outstanding share of Class B Non-Voting Common Stock into one share of Non-Voting Common Stock.[7]

Pursuant to Article Fourth(c) of the New Certificate of Incorporation, as proposed to be adopted, all voting power will be vested in Voting Common Stock (except with regard to certain matters relating to the rights of holders of Preferred Stock described below). Specifically, each holder of Voting Common Stock will be entitled to one vote for each share of Voting Common Stock held of record by such holder on all matters on which stockholders generally are entitled to vote. Shares of Non-Voting Common Stock are non-voting, except with regard to certain matters that would adversely affect their respective rights as described in the proposed amendments to Article Fourth(c)(ii) of the New Certificate of Incorporation.

Pursuant to Article Fourth(d) of the New Certificate of Incorporation, Non-Voting Common Stock will generally have the conversion features that previously applied to Class B Non-Voting Common Stock under the Current Certificate of Incorporation. Non-Voting Common Stock will be convertible into Voting Common Stock, on a one-to-one basis, following a ''Qualified Transfer,'' as defined in Article Fourth(d)(i).[8] Voting Common Stock will not be convertible into Non-Voting Common Stock.

Except for voting rights and certain conversion features, as described above, Non-Voting Common Stock and Voting Common Stock will generally rank equally and have identical rights and privileges. Because the IPO is expected to be a widely distributed public offering registered pursuant to the Securities Act of 1933 (15 U.S.C. 77a.), the Corporation expects it to be a ''Qualified Transfer,'' for purposes of the conversion feature of the Non-Voting Common Stock,[9] such that any shares of Non-Voting Common Stock sold in the IPO would convert to Voting Common Stock. As a result, purchasers of the Corporation's common stock in the IPO will receive only Voting Common Stock.

Proposed Article Fourth(a)(i) of the New Certificate of Incorporation would increase the Corporation's authorized shares in order to accommodate the reclassification of Class A Non-Voting Common Stock and Class B Non-Voting Common Stock discussed above, while providing sufficient additional authorized shares for future issuances, such as, for example, grants of equity to employees pursuant to a compensation plan.

b. Board of Directors

Article Sixth of the New Certificate of Incorporation would amend certain provisions relating to the Corporation's board of directors to add further specificity and detail, and effect a number of changes to the board of directors of the Corporation.

Article Sixth(a) of the New Certificate of Incorporation would explicitly specify that the business and affairs of the Corporation shall be managed by or under the board of directors and empower the board of the directors to do all such acts and things as may be exercised or done by the Corporation. This provision is intended to restate the power of the Corporation's board in accordance with the General Corporation Law of the State of Delaware, as amended (''Delaware Law'').[10]

Article Sixth(c) of the New Certificate of Incorporation would establish a ''staggered'' or classified board structure in which the directors would be divided into three classes of equal size, to the extent possible. Only one class of directors would be elected each year,

[5] *See* Current Certificate of Incorporation, Art. Fourth, para. (c); Investor Rights Agreement, Section 2.2(j).

[6] It is anticipated that the Effective Time will coincide with the date of the closing of the IPO and will occur immediately prior thereto.

[7] The Exchange understands that the existing Class B Non-Voting Common Stock is, and the Non-Voting Common Stock upon conversion will be, held by certain persons subject to restrictions under the Bank Holding Company Act of 1956 on the extent to which they are permitted to own voting stock of the Corporation or certain types of non-voting stock convertible into voting stock of the Corporation.

[8] A ''Qualified Transfer'' is defined as a sale or other transfer of Non-Voting Common Stock by a holder of such shares: (A) In a widely distributed public offering registered pursuant to the Securities Act of 1933 (15 U.S.C. 77a.); (B) in a private sale or transfer in which the relevant transferee (together with its Affiliates, as defined below, and other transferees acting in concert with it) acquires no more than two percent of any class of voting shares (as defined in 12 CFR 225.2(q)(3) and determined by giving effect to any such permitted conversion of transferred shares of Non-Voting Common Stock upon such transfer pursuant to Article Fourth of the New Certificate of Incorporation); (C) to a transferee that (together with its Affiliates and other transferees acting in concert with it) owns or controls more than 50 percent of any class of voting shares (as defined in 12 CFR 225.2(q)(3)) of the Corporation without regard to any transfer of shares from the transferring holder of shares of Non-Voting Common Stock; or (D) to the Corporation. As used above, the term ''Affiliate'' means, with respect to any person, any other person directly or indirectly controlling, controlled by or under common control with such person, and ''control'' (including, with correlative meanings, the terms ''controlled by'' and ''under common control with'') has the meaning set forth in 12 CFR 225.2(e)(1).

[9] *See* New Certificate of Incorporation, Art. Fourth(d)(i).

[10] *See* Delaware Law Section 141(a).

and once elected, directors would serve a three-year term. Directors initially designated as Class I directors would serve for a term ending on the date of the 2017 annual meeting of stockholders, directors initially designated as Class II directors would serve for a term ending on the date of the 2018 annual meeting of stockholders, and directors initially designated as Class III directors would serve for a term ending on the date of the 2019 annual meeting of stockholders. The names and addresses of each of the directors initially classified as Class I, Class II and Class III directors are set forth in Article Sixth(c)(ii) of the New Certificate of Incorporation. The Exchange believes that such a classified board structure is common for publicly-held companies, as it has the effect of making hostile takeover attempts more difficult.

Pursuant to Article Sixth(d) of the New Certificate of Incorporation, cumulative voting in the election of directors will be prohibited. If the Corporation were to permit cumulative voting, stockholders would be entitled to as many votes as are equal to the number of voting shares it holds, multiplied by the number of director seats up for election to the board of directors, and such stockholder may allocate all of its votes to one or more directorial candidates, as the stockholder desires. In contrast, in ''regular'' or ''statutory'' voting (*i.e.,* when cumulative voting is prohibited), stockholders may not vote more than one vote per share to any single director nominee. The Exchange believes that cumulative voting is inappropriate for the ultimate parent company of a national securities exchange, as it would increase the likelihood that a stockholder or group of stockholders holding only a minority of voting shares would be able to exert an outsized influence in the election of directors of the Corporation, relative to its stockholdings in the Corporation. As a result, cumulative voting could undermine the limitations on concentrations of ownership or voting included in both the Current Certificate of Incorporation and New Certificate of Incorporation.[11]

c. Transfer, Ownership and Voting Restrictions

The transfer, ownership and voting restrictions set forth in Article Fifth of the Corporation's Current Certificate of Incorporation would be retained in the New Certificate of Incorporation. Article Fifth of the Corporation's Current Certificate of Incorporation provides that for so long as the Corporation controls, directly or indirectly, a national securities exchange, subject to certain exceptions, (i) no person, either alone or together with its ''Related Persons'' (as defined therein), may own, directly or indirectly, of record or beneficially, shares constituting more than 40 percent of any class of the Corporation's capital stock, (ii) no member of such a national securities exchange, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than 20 percent of any class of the Corporation's capital stock, and (iii) no person, either alone or together with its Related Persons, at any time, may, directly, indirectly or pursuant to any of various arrangements, vote or cause the voting of shares or give any consent or proxy with respect to shares representing more than 20 percent of the voting power of the Corporation's then issued and outstanding capital stock.

In the case of shares of the Corporation purportedly transferred in violation of the limitations contained in Article Fifth, in addition to other remedies provided under Article Fifth(d),[12] Article Fifth(e) of the Current Certificate of Incorporation provides that the Corporation may redeem the shares sold, transferred, assigned, pledged, or owned in violation of Article Fifth for a price equal to the fair market value of those shares.

These limitations and remedies are designed to prevent any stockholder from exercising undue influence over the Corporation's national securities exchange subsidiaries. As a result, these limitations and remedies would be retained in the New Certificate of Incorporation. However, in the case of the redemption of shares purportedly transferred in violation of Article Fifth, the Current Certificate of Incorporation does not specify the manner of determining the fair market value. In order to enhance this remedy and provide clarity in the event that it is necessary to enforce it, Article Fifth(e) of the New Certificate of Incorporation is proposed to be amended to provide that the fair market value would be determined as the volume-weighted average price per share of the Common Stock during the five business days immediately preceding the date of the redemption.

d. Future Amendments to the Certificate of Incorporation

Article Twelfth of the Current Certificate of Incorporation requires that any proposed amendment to the Current Certificate of Incorporation be approved by the board of directors of the Corporation, submitted to the Board of Directors of the Exchange and filed with, or filed with and approved by, the Commission, if required under Section 19 of the Act. Provided that these conditions are satisfied, the Current Certificate of Incorporation can be amended in any manner permitted by Delaware Law, which today generally allows for the amendment of a certificate of incorporation by the affirmative vote of the majority of the outstanding stock entitled to vote thereon. Pursuant to proposed Article Fourteenth(a) of the New Certificate of Incorporation, certain provisions of the New Certificate of Incorporation would only be able to be amended upon the affirmative vote of not less than 66⅔ percent of the total voting power of the Corporation's outstanding securities entitled to vote generally in the election of directors, voting together as a single class. These provisions include Article Fourth(c) and (d), relating to voting rights and conversion of Non-Voting Common Stock, and Articles Fifth through Thirteenth, relating to limitations on transfer, ownership and voting, board of directors, duration of the Corporation, adopting, amending or repealing bylaws, indemnification and limitation of director liability, meetings of stockholders, forum selection, compromise or other arrangement, Section 203 opt-in (discussed below), and amendments to the certificate of incorporation, respectively.

The purpose of this supermajority requirement, which the Exchange believes is common among public companies, is to deter actions being taken that the Corporation believes may be detrimental to the Corporation, including any actions that could detrimentally affect the Corporation's ability to comply with its unique responsibilities under the Act as the ultimate parent of four registered national securities exchanges. The purpose for limiting the application of the supermajority voting requirement to certain specified provisions of the certificate of incorporation is to focus such requirement on the most critical provisions of the certificate of incorporation.

[11] *See* Current Certificate of Incorporation, Art. Fifth; New Certificate of Incorporation, Art. Fifth.

[12] Article Fifth(d) of the Current Certificate of Incorporation provides that purported transfers that would result in a violation of the ownership limitations are not recognized by the Corporation to the extent of any ownership in excess of the limitation.

e. Other Amendments

The New Certificate of Incorporation will amend and restate various other provisions of the Current Certificate of Incorporation in a manner that the Exchange believes are intended to reflect provisions that are more customary for publicly-owned companies organized under Delaware Law. In particular:

• *Preferred Stock.* Pursuant to proposed Article Fourth(a) of the New Certificate of Incorporation, the Corporation will have the authority to issue 15 million shares of Preferred Stock, par value $0.01 per share (the ''Preferred Stock''), which the Corporation's board of directors may, by resolution from time to time, issue in one or more classes or series by filing a certificate of designation pursuant to Delaware Law, fixing the terms and conditions of such class or series of Preferred Stock. The Preferred Stock may be used by the Corporation to raise capital or to act as a safety mechanism for unwanted takeovers. Pursuant to Article Sixth(f) of the New Certificate of Incorporation, should the Corporation issue Preferred Stock and the holders of Preferred Stock have the right to vote separately or as a class to elect directors, the features of such directorships shall be governed by the terms of the resolution adopted by the board of directors, rather than the features otherwise applicable under Article Sixth.

• *Stockholder Meetings.* Article Tenth of the Current Certificate of Incorporation permits action to be taken by the stockholders of the Corporation, without a meeting, by written consent as permitted by Delaware Law. The New Certificate of Incorporation would amend Article Tenth to provide that any action required or permitted to be taken at any meeting of the stockholders may be taken only upon the vote of stockholders at a meeting of the stockholders in accordance with Delaware Law and the New Certificate of Incorporation, and may not be taken by written consent without a meeting, subject to the rights of the holders of any class or series of Preferred Stock then outstanding. Proposed Article Tenth(a) would establish a requirement for the Corporation to hold annual meetings of stockholders for director elections and other business, while Proposed Article Tenth(b) would permit special meetings to be called only upon a resolution of a majority of the board of directors (except that when holders of Preferred Stock have the right to elect directors, such holders may call a special meeting). Provisions providing for annual meetings and special meetings are currently contained only in the Current Bylaws.[13]

• *Forum Selection.* The New Certificate of Incorporation would add a new Article Eleventh, designating the Court of Chancery of the State of Delaware as the sole and exclusive forum for certain actions or proceedings, such as derivative actions brought on behalf of the Corporation or actions asserting a claim of breach of fiduciary duty owed by any director, officer or other employee of the Corporation to the Corporation or to its stockholders. Among other things, this provision prevents similar actions from being brought in multiple jurisdictions and helps ensure that any litigation will be handled by the court that is most experienced in applying Delaware Law. Article Eleventh also provides that any person or entity acquiring an interest in shares of capital stock of the Corporation shall be deemed to have notice of and consented to this exclusive forum provision.

• *Section 203.* The New Certificate of Incorporation would add Article Thirteenth, providing that the Corporation will be governed by Section 203 of Delaware Law. In general, Section 203 prohibits a publicly-held Delaware corporation from engaging in a business combination with anyone who owns at least 15 percent of its common stock. This prohibition lasts for a period of three years after that person has acquired the 15 percent ownership. The corporation may, however, engage in a business combination if it is approved by its board of directors before the person acquires the 15 percent ownership or later by its board of directors and two-thirds of the stockholders of the public corporation. The restrictions contained in Section 203 do not apply if, among other things, the corporation's certificate of incorporation contains a provision expressly electing not to be governed by Section 203. Unless opted-out, Section 203 provides Delaware corporations with a defense to unwanted corporate takeovers.

The New Certificate of Incorporation also removes various references to the Investor Rights Agreement, as the provisions of that agreement, other than certain registration rights, is expected to terminate upon the occurrence of the IPO.[14] The New Certificate of Incorporation additionally makes various non-substantive, stylistic changes throughout. For example, the New Certificate of Incorporation would amend the name of the Corporation from ''BATS Global Markets, Inc.'' to ''Bats Global Markets, Inc.''

2. The New Bylaws

a. Registered Office

Article I of the Current Bylaws designates the initial registered office of the Corporation in the State of Delaware as 1209 Orange Street in the City of Wilmington, County of New Castle, Delaware and the initial registered agent at that address as The Corporation Trust Company. Section 1.01 of the New Bylaws would amend Article I to state that the registered office will continue to be located at the same location and to further provide the board of directors with the authority to designate another location from time to time. This will provide the board of directors with the flexibility to change the registered office in the future if it believes that such a change is necessary. In addition, Section 1.01 of the New Bylaws would provide that the registered agent will continue to be The Corporation Trust Company.

b. Annual Meeting of Stockholders

Section 2.02(a) of the Current Bylaws requires that an annual meeting of stockholders for the purpose of election of directors and for such other business as may lawfully come before the meeting occur on the third Tuesday of January, or such other time as the board of directors may designate. The New Bylaws remove the reference to the third Tuesday of January from Section 2.02(a) and authorize the board of directors to determine the place, date and time of the annual meeting.

Section 2.02(b) of the Current Bylaws specifies the procedures for stockholders to properly bring matters before the annual meeting, including specifying that stockholders provide timely notice to the Corporation of the business desired to be brought before the meeting. To be considered timely, Section 2.02(b) of the Current Bylaws states that the stockholder's notice must be delivered to the Corporation no earlier than the ninetieth day or later than the sixtieth day prior to the first anniversary of the preceding year's annual meeting. The New Bylaws modify the acceptable time period so that the stockholder's notice must be delivered to the Corporation no earlier than the one hundred and fiftieth day or later than the one hundred and

[13] Current Bylaws, Sections 2.02 and 2.03.

[14] *See* Investor Rights Agreement, Section 10 (providing that the rights and obligations of each stockholder party to the agreement shall terminate, to the extent not previously terminated, upon the occurrence of ''Qualified Public Offering,'' as defined therein, except that certain registration rights shall survive such termination).

twentieth day prior to the first anniversary of the preceding year's annual meeting. In the event that no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than thirty days, the New Bylaws generally require that the stockholder's notice be delivered no earlier than the one hundred and twentieth day or later than the seventieth day prior to such annual meeting.

Section 2.02(b) of the Current Bylaws specifies what must be contained in the stockholder's notice. In addition to the requirements contained in the Current Bylaws, Section 2.02(b) of the New Bylaws would require that the stockholder's notice (i) disclose the text of the proposal, (ii) disclose the beneficial owner on whose behalf the proposal is being made, (iii) disclose all arrangements or understandings between the stockholder and any other person pursuant to which the proposal is being made, (iv) disclose all agreements, arrangements or understandings (including derivative positions) to create or mitigate loss or manage the risk or benefit of share price changes, or increase or decrease the voting power of the stockholder or any beneficial owner with respect to the securities of the Corporation, (v) provide a representation as to whether the stockholder or any beneficial owner intends, or is part of a group that intends, to deliver a proxy statement and/or form of proxy to holders of at least the percentage of the voting power of the Corporation needed to approve or adopt the proposal, or otherwise solicit proxies from stockholders in support of the proposal, and (vi) provide such other information relating to any proposed item of business as the Corporation may reasonably require to determine whether such proposed item of business is a proper matter for stockholder action.

Section 2.02(c) of the Current Bylaws specifies the procedures for stockholders to properly nominate persons for the board of directors, including that the stockholder provide timely notice to the Corporation. In addition to the requirements contained in the Current Bylaws, Section 2.02(c) of the New Bylaws would require that the stockholder's notice (i) disclose all agreements, arrangements or understandings (including derivative positions) to create or mitigate loss or manage the risk or benefit of share price changes, or increase or decrease the voting power of the stockholder, beneficial owner or any such nominee with respect to the securities of the Corporation, (ii) provide a representation that such stockholder is a stockholder entitled to vote at such meeting and intends to appear in person or by proxy at the meeting and to bring such nomination or other business before the meeting, and (iii) provide a representation as to whether the stockholder or any beneficial owner intends, or is part of a group that intends, to deliver a proxy statement and/or form of proxy to holders of at least the percentage of the voting power of the Corporation needed to elect each such nominee, or otherwise solicit proxies from stockholders in support of the nomination.

The additional disclosure requirements being added to Sections 2.02(b) and 2.02(c) are intended to assure that stockholders asked to vote on a stockholder proposal or stockholder nominee are more fully informed in their voting and are able to consider any proposals or nominations along with the interests of those stockholders or the beneficial owners on whose behalf such proposal or nomination is being made.

The New Bylaws would further include a new Section 2.02(d), which would require that a stockholder proposal or a stockholder nomination be disregarded if the stockholder (or a qualified representative) does not appear at the annual or special meeting to present the proposal or nomination, notwithstanding that proxies may have been received and counted for purposes of determining a quorum. A ''qualified representative'' would include a duly authorized officer, manager or partner of the stockholder, or such other person authorized in writing to act as such stockholder's proxy. The purpose of this requirement is to assure that the stockholders' time at meetings is used efficiently and only serious stockholder proposals and nominations are considered.

The New Bylaws would also add Section 2.02(e), which would require that a stockholder, in addition to (and in no way limiting) all requirements set forth in Section 2.02 with respect to proposals or nominations, must also comply with all applicable requirements of the Act and the rules and regulations promulgated thereunder.

New Section 2.02(f) of the New Bylaws would note that, notwithstanding anything to the contrary in the New Bylaws, the notice requirements with respect to business proposals or nominations would be deemed satisfied if the stockholder submitted a proposal in compliance with Rule 14a–8 of the Act [15] and the proposal has been included in a proxy statement prepared by the Corporation to solicit proxies of the meeting of stockholders. This provision would assure that, in addition to proposals that meet the requirements of Section 2.02(b) of the New Bylaws, the Corporation would comply with the provisions of the Act and the rules promulgated thereunder with respect to the inclusion of stockholder proposals in its proxy statement.

c. Special Meetings of Stockholders

Section 2.03 of the Current Bylaws permits a special meeting of the stockholders to be called by any of (i) the chairman of the board of directors, (ii) the chief executive officer, (iii) the board of directors pursuant to a resolution passed by a majority of the board, or (iv) the stockholders entitled to vote at least 10 percent of the votes at the meeting. The New Bylaws would amend Section 2.03, consistent with Article Tenth(b) of the New Certificate of Incorporation, to only permit a special meeting of the stockholders to be called by the board of directors pursuant to a resolution adopted by the majority of the board. Additionally, whenever any holders of Preferred Stock have the right to elect directors pursuant to the New Certificate of Incorporation, such holders may call, pursuant to the terms of a resolution adopted by the board, a special meeting of the holders of such Preferred Stock. These amendments are designed to prevent any stockholder from exercising undue control over the operation of the Exchange by circumventing the board of directors of the Corporation through a special meeting of the stockholders.

d. Quorum; Vote Requirements

Section 2.05 of the Current Bylaws describe the quorum and voting requirements for the transaction of business at all meetings of stockholders of the Corporation. As the New Charter establishes two classes of stock, voting common stock and non-voting common stock, the New Bylaws would amend Section 2.05 to clarify that a majority of the voting power (the Voting Common Stock) is generally required for a quorum for the transaction of business, rather than a majority of all outstanding shares. The New Bylaws would also amend Section 2.05 to conform to Section 216 of Delaware Law to track the requirement of a majority of votes ''present in person or represented by proxy'' for a quorum where a separate vote by class or classes or series is required. In addition, Section 2.05 of the New Bylaws would also be amended to clarify that abstentions and broker non-

[15] 17 CFR 240.14a–8.

votes shall not be counted as votes cast. Under Delaware Law, abstentions and broker non-votes are not shares authorized to vote and are not considered votes cast on any matter.[16] This amendment conforms the provisions of Section 2.05 to Delaware Law and is intended to eliminate ambiguity in the counting of abstentions and broker non-votes.

e. Adjournment of Meetings

Section 2.06 of the Current Bylaws outlines certain requirements relating to the adjournment of stockholder meetings, including that any meeting of stockholders, whether annual or special, may be adjourned from time to time either by the chairman of the meeting or by the vote of a majority of the voting power of the shares casting votes, excluding abstentions. The New Bylaws would amend Section 2.06 such that only the chairman of the meeting or the board of directors would be permitted to adjourn a stockholder meeting. The authority to adjourn a stockholder meeting resting solely with the board of directors or the chairman is common among publicly-held companies. Furthermore, this amendment would provide the Corporation with flexibility to postpone a stockholder vote if it determines necessary and would prevent stockholders from adjourning a meeting if the board of directors and chairman desire to continue with the meeting.

f. Voting Rights

Section 2.07 of the Current Bylaws describes the rights of stockholders of the Corporation to vote their shares at a meeting of stockholders. The New Bylaws would amend Section 2.07 to further clarify that any share of stock of the Corporation held by the Corporation shall have no voting rights, except when such shares are held in a fiduciary capacity. The Current Bylaws do not address voting rights with respect to shares of stock of the Corporation held by the Corporation. This amendment is consistent with Delaware Law and removes ambiguity as to the voting rights of shares of stock of the Corporation held by the Corporation.[17]

g. Action Without a Meeting

Section 2.10(a) of the Current Bylaws permits certain actions to be taken by written consent of stockholders if signed by the holders of outstanding stock representing not less than the number of votes necessary to authorize or take such action at a meeting where all shares entitled to vote were present and voted. However, Section 2.10(c) of the Current Bylaws provides that no action by written consent may be taken following an initial public offering of the common stock of the Corporation. The New Bylaws would amend Section 2.10 to prohibit at all times actions taken by written consent of stockholders without a meeting, subject to the rights of any holders of Preferred Stock. This change is consistent with proposed changes contained in Article Tenth(c) of the New Certificate of Incorporation and would simplify Section 2.10 of the New Bylaws, given that the New Bylaws would become effective the moment before the closing of the IPO.

h. Number of Directors and Classified Board Structure

Section 3.01 of the Current Bylaws stipulates that the board of directors of the Corporation shall consist of 15 members, or such other number of members as determined from time to time by resolution of the board of directors. Under the New Bylaws, Section 3.01 would be amended to state that the board of directors shall consist of one or more directors, with the exact number of directors to be determined by resolution adopted by the majority of the board of directors. In addition, Section 3.01 of the New Bylaws would, consistent with proposed Article Sixth(c) of the New Certificate of Incorporation, establish a classified board structure in which the directors would be divided into three classes of equal size, to the extent possible. Only one class of directors would be elected each year, and once elected, directors would serve a three-year term. The Exchange believes that such a classified board structure is common for publicly-held companies, as it has the effect of making hostile takeover attempts more difficult.

i. Vacancies and Resignation

Section 3.03 of the Current Bylaws provides that vacancies on the board of directors resulting from death, resignation, removal or other causes, and any newly created directorships resulting from any increase in the number of directors, shall be filled by a majority vote of the directors then in office, even if less than a quorum, unless the board of directors determines by resolution that any such vacancies or newly created directorships should be filled by stockholders. Once elected, the director would hold office for the remainder of the full term of the director for which the vacancy was created or occurred and until such director's successor shall have been elected and qualified. Section 3.03 of the New Bylaws would adopt a substantially similar approach. Specifically, it would provide that vacancies or new directorships shall, except as otherwise required by law, be filled solely by a majority of the directors then in office (although less than a quorum) or by the sole remaining director, and each director so elected shall hold office for a term that shall coincide with the term of the class to which such director shall have been elected. The New Bylaws would also amend Section 3.03 to provide that if there are no directors in office, then an election of directors may be held in accordance with Delaware Law.

Section 3.04 of the Current Bylaws addresses the resignation of directors. For example, Section 3.04 provides that when one or more directors resign from the board of directors, effective at a future date, a majority of the directors then in office, including those who have so resigned, shall have the power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective. This provision would be retained in the New Bylaws, but it would be moved to Section 3.03. In addition, as is effectively the case under Section 3.04 of the Current Bylaws, Section 3.03 of the New Bylaws would provide that any director so chosen shall hold office as provided in the filling of other vacancies.

j. Removal of Directors

Section 3.05 of the Current Bylaws provides that the board of directors or any director may be removed, with or without cause, by the affirmative vote of at least 66⅔ percent of the voting power of all then-outstanding shares of voting stock of the Corporation. The New Bylaws would amend Section 3.05 to provide that directors may only be removed for cause with the affirmative vote of a simple majority of the holders of voting power of all then-outstanding securities of the Corporation generally entitled to vote in the election of directors, voting together as a single class.

The purpose of this amendment is to align the Corporation's requirements for removal of directors with Section 141(k)(1) of Delaware Law, which generally provides that, in the case of a corporation with a classified board, a simple majority of stockholders may remove any director, but only for cause, unless the certificate of incorporation provides otherwise.

[16] *See, e.g.,Berlin* v. *Emerald Partners,* 552 A.2d 482 (Del. 1988).

[17] *See* Delaware Law Section 160(c).

k. Committees of Directors

Sections 3.10(a) and (b) of the Current Bylaws permit the board of directors to appoint an executive committee with certain enumerated powers of the board, as well as other committees permitted by law. The New Bylaws would amend Section 3.10(a) to eliminate specific reference to an executive committee and authorize the board to designate one or more committees that may exercise the power of the board to the extent permitted in the resolution designating the committee. This amendment would enhance the board's flexibility to create those committees it deems necessary and most efficient for the functioning of the board. Section 3.10(a) would be further amended to provide that no committee would have the power to (i) approve, adopt or recommend to the stockholders any matter required by Delaware Law to be submitted for stockholder approval, or (ii) adopt, amend or repeal any bylaw. These amendments are being made to assure that the full board of directors considers and passes upon these significant corporate decisions.

Section 3.10(c) of the Current Bylaws describes the requirements for committee meetings. The New Bylaws would amend Section 3.10(c) to require that each committee keep regular minutes of its meetings and report the same to the board of directors of the Corporation when required. This amendment is being made to assure that matters addressed during committee meetings are recorded in the corporate records of the Corporation and are available to be communicated to the full board of directors of the Corporation.

l. Preferred Stock Directors

The New Bylaws would add new Section 3.12 to clarify that whenever the holders of one or more classes or series of Preferred Stock have the right to elect one or more directors (a ''Preferred Stock Director''), pursuant to the New Certificate of Incorporation, the provisions of Article III of the New Bylaws relating to the election, term of office, filling of vacancies, removal, and other features of directorships would not apply to the Preferred Stock Directors. Rather, such features would be governed by the applicable provisions of the New Certificate of Incorporation. This amendment is consistent with proposed Article Sixth(f) of the New Certificate of Incorporation with respect to the rights of holders of Preferred Stock, should any class or series of Preferred Stock be issued with director voting rights in the future.

m. Officers

Section 4.01 of the Current Bylaws provides that the officers of the Corporation shall include, if and when designated by the board of directors, the chairman of the board of directors, the chief executive officer, the president, one or more vice presidents and certain other employees. The New Bylaws would amend Section 4.01 to remove the chairman of the board of directors from the list of potential officers of the Corporation. Similarly, the New Bylaws would also remove Section 4.02(b) of the Current Bylaws, which describes the duties of the chairman of the board of directors. These changes would be made to reflect the fact that the chairman of the board of directors does not serve in an officer role in the Corporation.

n. Form of Stock Certificates

The New Bylaws would amend Section 6.01 of the Current Bylaws to state that the shares of the Corporation shall be represented by certificates, unless the board of directors provides by resolution that some or all of any class or series of stock be uncertificated. Except as otherwise provided by law, holders of certificated and uncertificated shares of the same class and series would have identical rights and obligations. Pursuant to Section 6.03(d) of the New Bylaws, the board will also have the power to make rules for issuance, transfer and registration of certificated or uncertificated shares, and the issuance of new certificates in lieu of those lost or destroyed. The New Bylaws further amend Section 6.01 to provide that the Corporation will not have the power to issue a certificate in bearer form. These amendments are intended to align the bylaws of the Corporation with standard provisions for Delaware public companies.

o. Fixing Record Dates

Section 6.04 of the Current Bylaws provides the procedures for fixing a record date for determining the stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof. In general, a determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders shall apply to any adjournment of the meeting. However, Section 6.04(a) of the Current Bylaws also permits the board of directors to fix a new record date for the adjourned meeting. The New Bylaws would amend Section 6.04(a) to clarify that the board of directors may fix a new record date for determination of stockholders entitled to vote at the adjourned meeting in its discretion or as required by Delaware Law. In such case, the board of directors would be permitted to fix the same date or an earlier date as the record date for stockholders entitled to notice of such adjourned meeting. The New Bylaws would also remove Section 6.04(b) of the Current Bylaws, which relates to the fixing of a record date for determining the stockholders entitled to consent to corporate action in writing without a meeting. This provision would be removed because the New Bylaws would remove the ability of stockholders to authorize or take corporate action by written consent.

p. Indemnification

Article X of the Current Bylaws contains certain provisions for the indemnification of directors, officers, employees and certain other agents of the Corporation. The New Bylaws will eliminate such provisions in their entirety. These provisions are being eliminated because provisions regarding indemnification are already contained in Article Ninth of the Current Certificate of Incorporation and will remain in Article Ninth of the New Certificate of Incorporation.

q. Notices

Article XI of the Current Bylaws contains provisions governing the delivery of notices to stockholders and directors. Section 11.01(b) of the Current Bylaws, for example, states that notices to directors may be given through U.S. mail, facsimile, telex or telegram, except that such notice, other than one which is delivered personally, must be sent to such address as such director shall have filed in writing with the secretary of the Corporation, or, in the absence of such filing, to the last known post office address of such director. The corresponding section of the New Bylaws, Section 10.01(b), would be revised to additionally permit notice to directors to be given through electronic mail, in addition to the other forms of delivery currently permitted. The Exchange believes that it has become customary to deliver business communications through electronic mail. The remainder of the notice provisions would not be substantively amended in the New Bylaws.

r. Future Bylaws Amendments

Article Eighth of the Current Certificate of Incorporation (as proposed to be maintained in the New Certificate of Incorporation) provides that the bylaws may be adopted, amended or repealed by the board of directors or by action of the stockholders, in accordance with the procedures set out

in the bylaws. Article XII of the Current Bylaws permits the bylaws to be amended or repealed *only* by action of the stockholders holding 70 percent of the shares entitled to vote. Article XI of the New Bylaws would amend Article XII to provide that the bylaws may be altered, adopted, amended or repealed *either* by a majority of the board of directors, or by the stockholders with the affirmative vote of not less than 66⅔ of the total voting power then entitled to vote at a meeting of stockholders, unless a higher percentage is required under the New Certificate of Incorporation. The New Certificate of Incorporation does not include a higher percentage, so the threshold set forth in the New Bylaws would govern. The Current Bylaws require a vote of at least 70 percent of the total stockholder voting power in order to maintain consistency with the threshold that was separately agreed to in the Investor Rights Agreement.[18] As noted above, the Investor Rights Agreement is expected to terminate upon the IPO, except with respect to certain registration rights provisions, so the 70 percent threshold is no longer contractually necessary to maintain.[19] The requirement to obtain 70 percent stockholder approval for any amendments to the Corporation's bylaws was practical while the Corporation was closely-held. However, the Exchange believes that it is customary for amendments to a publicly-held corporation's bylaws to be predominantly a matter for the corporation's board of directors, both as a matter of convenience, and to make unwanted corporate takeovers more difficult. As a result, the New Bylaws require that, should the stockholders wish to amend the Corporation's bylaws, a supermajority of 66⅔ percent would be required. The threshold reduction from 70 percent to 66⅔ is intended to be consistent with other publicly-held companies.

In addition to the board of directors and stockholder approval requirements, Article XI of the New Bylaws would maintain the provisions contained in Article XII of the Current Bylaws requiring that, for so long as the Corporation will control a national securities exchange registered with the Commission under Section 6 of the Act, before any amendment to the New Bylaws may become effective, the amendment must be submitted to the board of directors of such exchange, and if required by Section 19 of the Act,[20] filed with or filed with and approved by the Commission.

s. Loans to Officers

Article XIII of the Current Bylaws authorizes the Corporation to lend money to or guarantee obligations of any officer of the company under certain circumstances. In order to comply with Section 13(k)(1) of the Act,[21] which will apply to the Corporation after the IPO, the New Bylaws eliminate this authority.

t. Other Amendments

The New Bylaws also remove references to the Investor Rights Agreement, as the provisions of that agreement, other than certain registration rights, is expected to terminate upon the occurrence of the IPO.[22] In addition, the New Bylaws make various non-substantive, stylistic changes throughout. For example, as with the New Certificate of Incorporation, the New Bylaws would reflect a change in the name of the Corporation from ''BATS Global Markets, Inc.'' to ''Bats Global Markets, Inc.''

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(1) of the Act, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.[23] In particular, the New Certificate of Incorporation is consistent with Section 6(b)(1) of the Act because it would retain the limitations on ownership and total voting power that currently exist and would adopt super-majority requirements for certain amendments to the New Certificate of Incorporation. These provisions would help prevent any stockholder, including any member of the Exchange along with its Related Persons, from exercising undue control over the operation of the Exchange. In addition, Sections 2.03 and 2.10(c) of the New Bylaws would prohibit the ability of the stockholders to call a special meeting of the stockholders and to act by written consent. Therefore, as with the New Certificate of Incorporation, the New Bylaws would help prevent any stockholder from exercising undue control over the operation of the Exchange and assure that the Exchange is able to carry out its regulatory obligations under 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 purposes of the Act. Indeed, the Exchange believes that the proposed rule change would enhance competition. The other major operators of registered national securities exchanges are currently public companies, with the access to the public markets that this facilitates. The amendments to the Corporation's certificate of incorporation and bylaws will facilitate the Corporation's IPO, facilitating capital formation and allowing the Corporation to better compete with other public companies operating national securities exchanges and other markets.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited or received written comments on the proposed rule change.

II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

III. 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:

[18] *See* Investor Rights Agreement, Section 4.3(d).

[19] *See supra* note 14 and accompanying text.

[20] 15 U.S.C. 78s.

[21] 15 U.S.C. 78m(k)(1).

[22] *See supra* note 14 and accompanying text.

[23] 15 U.S.C. 78f(b).

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–EDGA–2016–01 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–EDGA–2016–01. 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 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 Number SR–EDGA–2016–01 and should be submitted on or before March 14, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03528 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 12d1–3, SEC File No. 270–116, OMB Control No. 3235–0109.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Exchange Act Rule 12d1–3 (17 CFR 240.12d1–3) requires a certification that a security has been approved by an exchange for listing and registration pursuant to Section 12(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(d)) to be filed with the Commission. The information required under Rule 12d1–3 must be filed with the Commission and is publicly available. We estimate that it takes approximately one-half hour per response to provide the information required under Rule 12d1–3 and that the information is filed by approximately 688 respondents for a total annual reporting burden of 344 hours (0.5 hours per response × 688 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 16, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–03521 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

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:

Rule 17a–25.

SEC File No. 270–482, OMB Control No. 3235–0540.

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 existing collection of information provided for in Rule 17a–25 (17 CFR 204.17a–25) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Paragraph (a)(1) of Rule 17a–25 requires registered broker-dealers to electronically submit securities transaction information, including identifiers for prime brokerage arrangements, average price accounts, and depository institutions, in a standardized format when requested by the Commission staff. In addition, Paragraph (a)(3)(c) of Rule 17a–25 requires broker-dealers to submit, and keep current, contact person information for electronic blue sheets (''EBS'') requests. The Commission uses the information for enforcement inquiries or investigations and trading reconstructions, as well as for inspections and examinations.

The Commission estimates that it sends approximately 7,697 electronic blue sheet requests per year to clearing broker-dealers that in turn submit an average 124,912 responses.[1] It is

[1] A single EBS request has a unique number assigned to each request (*e.g.* ''0900001''). However, the number of broker-dealer responses generated from one EBS request can range from one to several

estimated that each broker-dealer that responds electronically will take 8 minutes, and each broker-dealer that responds manually will take 1½ hours to prepare and submit the securities trading data requested by the Commission. The annual aggregate hour burden for electronic and manual response firms is estimated to be 8,114 (59,958 × 8 ÷ 60 = 7,994 hours) + (80 × 1.5 = 120 hours), respectively.[2] In addition, the Commission estimates that it will request 8 broker-dealers to supply the contact information identified in Rule 17a–25(c) and estimates the total aggregate burden hours to be 2. Thus, the annual aggregate burden for all respondents to the collection of information requirements of Rule 17a–25 is estimated at 8,116 hours (7,994 + 120 + 2).

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@comb.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 16, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–03516 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

thousand. EBS requests are sent directly to clearing firms, as the clearing firm is the repository for trading data for securities transactions information provided by itself and correspondent firms. Clearing brokers respond for themselves and other firms they clear for. There were 124,912 responses during the 25 month period for an average of 4,996.5 responses per month or an average of 59,958 annual responses.

[2] Few of respondents submit manual EBS responses. The small percentage of respondents that submit manual responses do so by hand, via email, spreadsheet, disk, or other electronic media. Thus, the number of manual submissions (80) has minimal effect on the total annual burden hours.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77141; File No. SR–EDGA–2016–02]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Adopt an Early Trading Session and Three New Time-in-Force Instructions

February 16, 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 2, 2016, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On February 12, 2016, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its rules to: (i) Create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time; and (ii) adopt three new Time-in-Force (''TIF'') instructions.[4]

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange noted that it would subject orders that are eligible for execution as of the start of the Pre-Opening Session to all of the Exchange's standard regulatory checks, including compliance with Regulation NMS, Regulation SHO, as well as other relevant Exchange rules.

[4] The Exchange notes that its affiliates, BATS Exchange, Inc, (''BZX'') and BATS Y-Exchange, Inc. (''BYX'') also intend to file proposed rule changes with the Commission to amend their rules to also: (i) Create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time; and (ii) adopt identical TIF instructions. The Exchange further notes that the proposed rule change would operate in an identical manner to that proposed by BZX and BYX and the language of the BZX, BYX and Exchange Rules would differ to the extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BZX or BYX rules based on the current structure of such rules.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to: (i) Create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time; and (ii) adopt three new TIF instructions.

Early Trading Session

The Exchange trading day is currently divided into three sessions of which a User[5] may select their order(s) be eligible for execution: (i) The Pre-Opening Session which starts at 8:00 a.m. and ends at 9:30 a.m. Eastern Time; (ii) Regular Trading Hours which runs from 9:30 a.m. to 4:00 p.m. Eastern Time; and (iii) the Post-Closing Session, which runs from 4:00 p.m. to 8:00 p.m. Eastern Time. The Exchange proposes to amend its rules to create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time.[6] Exchange Rule 1.5 would be amended to add a new definition for the term ''Early Trading Session'' under new paragraph (ii). ''Early Trading Session'' would be

[5] ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[6] The Exchange notes that NYSE Arca, Inc. (''NYSE Arca'') operates an Opening Session that starts at 4:00 a.m. Eastern Time (1:00 a.m. Pacific Time) and ends at 9:30 a.m. Eastern Time (6:30 a.m. Pacific Time). *See* NYSE Arca Rule 7.34(a)(1). The Nasdaq Stock Market LLC (''Nasdaq'') operates a pre-market session that also opens at 4:00 a.m. and ends at 9:30 a.m. Eastern Time. *See* Nasdaq Rule 4701(g). *See also* Securities Exchange Act Release No. 69151 (March 15, 2013), 78 FR 17464 (March 21, 2013) (SR–Nasdaq–2013–033) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Extend the Pre-Market Hours of the Exchange to 4:00 a.m. EST).

defined as ''the time between 7:00 a.m. and 8:00 a.m. Eastern Time.'' [7]

The Exchange also proposes to amend Rule 11.1(a) to account for the Early Trading Session starting at 7:00 a.m. Eastern Time. Other than the proposal to adopt an Early Trading Session starting at 7:00 a.m. Eastern Time, the Exchange does not propose to amend the substance or operation of Rule 11.1(a).

Users currently designate when their orders are eligible for execution by selecting the desired TIF instruction under Exchange Rule 11.6(q). Orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the Pre-Opening Session, or Regular Trading Hours,[8] depending on the TIF selected by the User. Users may enter orders in advance of the trading session they intend the order to be eligible for. For example, Users may enter orders starting at 6:00 a.m. Eastern Time with a TIF of Regular Hours Only, which designates that the order only be eligible for execution during Regular Trading Hours.[9] As stated above, Users may enter orders as early as 6:00 a.m. Eastern Time, but those orders would not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m. Some Users have requested the ability for their orders to be eligible for execution starting at 7:00 a.m. Eastern Time. Therefore, the Exchange is proposing to adopt the Early Trading Session as discussed herein.

Order entry and execution during the Early Trading Session would operate in the same manner as it does during the Pre-Opening Session. As amended, Exchange Rule 11.1(a)(1) would state that orders entered between 6:00 a.m. and 7:00 a.m. Eastern Time, rather than 6:00 a.m. and 8:00 a.m. Eastern Time, would not be eligible for execution until the start of the Early Trading Session, Pre-Opening Session, or Regular Trading Hours, depending on the TIF selected by the User. Exchange Rule 11.1(a)(1) will also be amended to state that the Exchange will not accept the following orders prior to 7:00 a.m. Eastern Time, rather than 8:00 a.m.: orders with a Post Only instruction,[10] Intermarket Sweep Orders (''ISOs''),[11] Market Orders [12] with a TIF other than Regular Hours Only, orders with a Minimum Execution Quantity instruction [13] that also include a TIF of Regular Hours Only, and all orders with a TIF instruction of Immediate-or-Cancel (''IOC'') [14] or Fill-or-Kill (''FOK'').[15] At the commencement of the Early Trading Session, orders entered between 6:00 a.m. and 7:00 a.m. Eastern Time, rather than 6:00 a.m. and 8:00 a.m. Eastern Time, will be handled in time sequence, beginning with the order with the oldest time stamp, and will be placed on the EDGA Book,[16] routed, cancelled, or executed in accordance with the terms of the order. As amended, Rule 11.1(a) would state that orders may be executed on the Exchange or routed away from the Exchange during Regular Trading Hours and during the Early Trading, Pre-Opening, Regular and Post Closing Sessions.

Operations. From the Members' operational perspective, the Exchange's goal is to permit trading for those that choose to trade, without imposing burdens on those that do not. Thus, for example, the Exchange will not require any Member to participate in the Early Trading Session, including not requiring registered market makers to make two-sided markets between 7:00 a.m. and 8:00 a.m., just as it does not require such participation between 8:00 a.m. and 9:30 a.m.[17] The Exchange will minimize Members' preparation efforts to the greatest extent possible by allowing Members to trade beginning at 7:00 a.m. with the same equipment, connectivity, order types, and data feeds they currently use from 8:00 a.m. onwards.

Opening Process. The Exchange will offer no opening process at 7:00 a.m., just as it offers no opening process at 8:00 a.m. today. Instead, at 7:00 a.m., the System will ''wake up'' by loading in price/time priority all open trading interest entered after 6:00 a.m.[18] Also at 7:00 a.m., the Exchange will open the execution system and accept new eligible orders, just as it currently does at 8:00 a.m. Members will be permitted to enter orders beginning at 6:00 a.m. Market Makers will be permitted but not required to open their quotes beginning at 7:00 a.m. in the same manner they open their quotes today beginning at 8:00 a.m.

Order Types. Every order type that is currently available beginning at 8:00 a.m. will be available beginning at 7:00 a.m.[19] All other order types, and all order type behaviors, will otherwise remain unchanged. The Exchange will not extend the expiration times of any orders. For example, an order that is currently available from 8:00 a.m. to 4:00 p.m. will be modified to be available from 7:00 a.m. to 4:00 p.m. An order that is available from 8:00 a.m. to 9:30 a.m. will be modified to be available from 7:00 a.m. to 9:30 a.m. Users must continue to enter a TIF instruction along with their order to indicate when the order is eligible for execution.[20]

Routing Services. The Exchange will route orders to away markets between 7:00 a.m. and 8:00 a.m., just as it does today between 8:00 a.m. and 9:30 a.m.[21] All routing strategies set forth in Exchange Rule 11.11 will remain otherwise unchanged, performing the same instructions they perform between 7:00 a.m. and 8:00 a.m. today.[22]

Order Processing. Order processing will operate beginning at 7:00 a.m. just as it does today beginning at 8:00 a.m. There will be no changes to the ranking, display, and execution processes or rules.

Data Feeds. The Exchange will report the best bid and offer on the Exchange to the appropriate network processor, as it currently does beginning 8:00 a.m.[23] The Exchange's proprietary data feeds will be disseminated beginning at 7:00 a.m. using the same formats and delivery mechanisms with which the Exchange currently disseminates them beginning at 8:00 a.m.

Trade Reporting. Trades executed between 7:00 a.m. and 8:00 a.m. will be reported to the appropriate network processor with the ''.T'' modifier, just as they are reported today between at 8:00 a.m. and 9:30 a.m.[24]

Market Surveillance. The Exchange's commitment to high-quality regulation at all times will extend to 7:00 a.m. The Exchange will offer all surveillance coverage currently performed by the Exchange's surveillance systems, which

[7] An Exchange having bifurcated after hours trading sessions is not novel. For example, the Chicago Stock Exchange, Inc. (''CHX'') maintains two after hours trading sessions. *See* CHX Article 20, Rule 1(b). *See also* Securities Exchange Act Release No. 60605 (September 1, 2009), 74 FR 46277 (September 8, 2009) (SR–CHX–2009–13) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding Additional Trading Sessions).

[8] ''Regular Trading Hours'' is defined as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[9] *See* Exchange Rule 11.6(q)(6).

[10] *See* Exchange Rule 11.6(n)(4).

[11] *See* Exchange Rule 11.8(c).

[12] *See* Exchange Rule 11.8(a).

[13] *See* Exchange Rule 11.6(h).

[14] *See* Exchange Rule 11.6(q)(1).

[15] *See* Exchange Rule 11.6(q)(3).

[16] *See* Exchange Rule 1.5(d).

[17] *See* Exchange Rule 11.20(d)(2) (stating that for NMS stocks (as defined in Rule 600 under Regulation NMS) a Market Maker shall adhere to the pricing obligations established by this Rule during Regular Trading Hours).

[18] *See* Exchange Rule 11.1(a)(1).

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *See* Exchange Rule 11.11 (Routing to Away Trading Centers).

[23] *See* Exchange Rule 11.12 (Trade Reporting).

[24] *Id.*

will launch by the time trading starts at 7:00 a.m.

Clearly Erroneous Trade Processing. The Exchange will process trade breaks beginning at 7:00 a.m. pursuant to Exchange Rule 11.15, just as it does today beginning at 8:00 a.m.

Related changes to Rules 3.21, 11.8, 11.10, 11.15, 14.1, 14.2 and 14.3. The Exchange proposes to also make the following changes to Rules 3.21, 11.8, 11.10, 11.15, 14.1, 14.2 and 14.3 to reflect the adoption of the Early Trading Session:

• Rule 3.21, Customer Disclosures. In sum, Exchange Rule 3.21 prohibits Members from accepting an order from a customer for execution in the Pre-Opening or Post-Closing Session without disclosing to their customer that extended hours trading involves material trading risks, including the possibility of lower liquidity, high volatility, changing prices, unlinked markets, an exaggerated effect from news announcements, wider spreads and any other relevant risk. The Exchange proposes to amend Rule 3.21 to include the Early Trading Session as part of the Member's required disclosures to their customers.

• Rule 11.8, Orders and Modifiers. The Exchange proposes to amend the description of Limit Orders under Rule 11.8(b), ISOs under Rule 11.8(c), MidPoint Peg Orders under Rule 11.8(d), MidPoint Discretionary Orders (''MDO'') under Rule 11.8(e), and Supplemental Peg Orders under Rule 11.8(g) to account for the Early Trading Session.[25] As stated above, every order type that is currently available beginning at 8:00 a.m. will be available beginning at 7:00 a.m. for inclusion in the Early Trading Session.[26] All other order types, and all order type behaviors, will otherwise remain unchanged. Therefore, but for Market Orders under Rule 11.8(a) and Market Maker Peg Orders under Rule 11.8(f), each of the above rules for Limit Orders, ISOs, MidPoint Peg Orders, MDOs, and Supplemental Peg Orders would be amended to state that those orders types are available during the Early Trading Session. Market Orders and Market Maker Peg Orders would not be eligible for execution during the Early Trading Session. Market Orders are only eligible for execution during the Regular Session.[27] Market Maker Peg Orders may currently be submitted to the Exchange starting at the beginning of the Pre-Opening Session, but the order will not be executable or automatically priced until the beginning of Regular Trading Hours [sic]. Rule 11.8(f)(7) would be amended to state that Market Maker Peg Orders may be submitted to the Exchange starting at the beginning of the Early Trading Session. Market Maker Peg Orders would continue to not be executable or automatically priced until after the first regular way transaction on the listing exchange in the security, as reported by the responsible single plan processor.

• Rule 11.10, Order Execution and Routing. Exchange Rule 11.10(a)(2) discusses compliance with Regulation NMS and Trade Through Protections and states that the price of any execution occurring during the Pre-Opening Session or the Post-Closing Session must be equal to or better than the highest Protected Bid or lowest Protected Offer, unless the order is marked ISO or a Protected Bid is crossing a Protected Offer. The Exchange proposes to amend Rule 11.10(a)(2) to expand the rule's requirements to the Early Trading Session.

• Rule 11.15, Clearly Erroneous Executions. Exchange Rule 11.15 outlines under which conditions the Exchange may determine that an execution is clearly erroneous. The Exchange proposes to amend Rule 11.15 to include executions that occur during the Early Trading Session. Exchange Rule 11.15(c)(1) sets forth the numerical guidelines the Exchange is to follow when determining whether an execution was clearly erroneous during Regular Trading Hours or the Pre-Opening or Post-Closing Trading Session. Exchange Rule 11.15(c)(3) sets forth additional factors the Exchange may consider in determining whether a transaction is clearly erroneous. These factors include Pre-Opening and Post-Closing Trading Session executions. The Exchange proposes to amend Rule 11.15(c)(1) and (3) to include executions occurring during the Early Trading Session.

• Rule 14.1, Unlisted Trading Privileges. The Exchange proposes to amend Rules 14.1(c)(2), and Interpretation and Policies .01(a) and (b) to account for the proposed Early Trading Session. Specifically, the Exchange proposes to amend paragraph (c)(2) to state that an information circular distributed by the Exchange prior to the commencement of trading of a UTP Derivative Security[28] will include the risk of trading during the Early Trading Session, in addition to the Pre-Opening Session and Post-Closing Trading Session. In addition, the Exchange proposes to amend Interpretation and Policies .01(a) to add Early Trading Session to the paragraph's title and to state that if a UTP Derivative Security begins trading on the Exchange in the Early Trading Session or Pre-Opening Session and subsequently a temporary interruption occurs in the calculation or wide dissemination of the Intraday Indicative Value (''IIV'') or the value of the underlying index, as applicable, to such UTP Derivative Security, by a major market data vendor, the Exchange may continue to trade the UTP Derivative Security for the remainder of the Early Trading Session and Pre-Opening Session. Lastly, the Exchange proposes to amend Interpretation and Policies .01(b) to add Early Trading Session to the paragraph's title and to amend subparagraph (2) of that section to state that if the IIV or the value of the underlying index continues not to be calculated or widely available as of the commencement of the Early Trading Session or Pre-Opening Session on the next business day, the Exchange shall not commence trading of the UTP Derivative Security in the Early Trading Session or Pre-Opening Session that day.

• Rule 14.2, Investment Company Units. The Exchange proposes to amend Rule 14.2(g) to state that transactions in Investment Company Units may occur during the Early Trading Session, in addition to during Regular Trading Hours and the Pre-Opening and Post Closing Sessions.

• Rule 14.3, Trust Issued Receipts. The Exchange proposes to amend Rule 14.3(d) to state that transactions in Trust Issued Receipts may occur during the Early Trading Session, in addition to during Regular Trading Hours and the Pre-Opening and Post-Closing Sessions.

TIF Instructions

The Exchange proposes to adopt three new TIF instructions under Rule 11.6(q).[29] Under Rule 11.1(a)(1), a User may designate when their order is eligible for execution by selecting the desired TIF instruction under Exchange Rule 11.6(q). Currently, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until

[25] The Exchange notes that the proposed rule change would operate in an identical manner to that proposed in SR–BATS–2016–01 and the language of the BATS and Exchange Rules differ to [sic] extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BATS rules based on the current structure of such rules. *See supra* note 4.

[26] *See* proposed amendments to Exchange Rule 11.1(a).

[27] *See* Exchange Rule 11.8(a)(5).

[28] *See* Exchange Rule 14.1(c).

[29] The Exchange also proposes to amend the descriptions of GTD under Rule 11.6(q)(4) and GTX under Rule 11.6(q)(5) to replace incorrect references to the Post-Market Session with Post-Closing Session, as Post-Closing Session is the correct defined term under Exchange Rule 1.5(r).

the start of the Pre-Opening Session, or Regular Trading Hours, depending on the TIF selected by the User. Users may enter orders in advance of the trading session they intend the order to be eligible for. For example, Users may enter orders starting at 6:00 a.m. Eastern Time with a TIF of Regular Hours Only, which designates that the order only be eligible for execution during Regular Trading Hours.[30] As stated above, Users may enter orders as early as 6:00 a.m. Eastern Time, but those orders would not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m.

As discussed above, the Exchange proposed the Early Trading Session in response to User requests for their orders to be eligible for execution starting at 7:00 a.m. Eastern Time. Some Users, however, do not wish for their orders to be executed during the Early Trading Session and have requested their orders continue to not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m. Therefore, the Exchange proposes to adopt the following three new TIF instructions under Rule 11.6(q):

• Pre-Opening Session Plus (''PRE''). A limit order that is designated for execution during the Pre-Opening Session and Regular Trading Hours. Like the current Day TIF instruction,[31] any portion not executed expires at the end of Regular Trading Hours.

• Pre-Opening Session 'til Extended Day (''PTX''). A limit order that is designated for execution during the Pre-Opening Session, Regular Trading Hours, and the Post-Closing Session. Like the current Good-'til Extended Day (''GTX'') TIF instruction,[32] any portion not executed expires at the end of the Post-Closing Session.

• Pre-Opening Session 'til Day (''PTD''). A limit order that is designated for execution during the Pre-Opening Session, Regular Trading Hours, and the Post-Closing Session. Like the current Good-'til Day (''GTD'') TIF instruction,[33] any portion not executed will be cancelled at the expiration time assigned to the order, which can be no later than the close of the Post-Closing Trading Session.

Under each proposed TIF instruction, Users may designate that their orders only be eligible for execution starting with the Pre-Opening Session. This is similar to the existing TIF of Regular Hours Only, which designates that the order only be eligible for execution during Regular Trading Hours, which starts at 9:30 a.m. Eastern Time. In such case, a User may enter orders starting at 6:00 a.m. Eastern Time, but such order would not be eligible for execution until 9:30 a.m. Eastern Time. Likewise, under each of the proposed TIF instructions, a User may continue to enter orders as early as 6:00 a.m., but such orders would not be eligible for execution until 8:00 a.m. Eastern Time, the start of the Pre-Opening Session.[34] At the commencement of the Pre-Opening Session, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time with one of the proposed TIF instructions will be handled in time sequence, beginning with the order with the oldest time stamp, and will be placed on the EDGA Book, routed, cancelled, or executed in accordance with the terms of the order.[35]

Lastly, the Exchange proposes to amend the following order types under Exchange Rule 11.8 to account for the three proposed TIF instructions: [36]

• Market Orders. The proposed TIF instruction of PRE, PTX, and PTD would not be available to Market Orders. Under Exchange Rule 11.8(a)(2), a Market Order may only include a TIF instruction of IOC, RHO, FOK, or Day.

• Limit Orders. Rule 11.8(b)(2) describes the TIF instructions that may be attached to a Limit Order. The Exchange proposes to amend paragraph (b)(2) add the TIF instructions of PRE, PTX, or PTD to the list of TIF instructions that a Limit Order may include.

• ISOs. Rule 11.8(c)(1) describes the TIF instructions that may be attached to an incoming ISO. The Exchange proposes to amend paragraph (c)(1) to state that an incoming ISO may have a TIF instruction of PRE, PTX, or PTD, in addition to Day, GTD, RHO, GTX, and IOC. Exchange Rule 11.8(c)(1) would be further amended to state that an incoming ISO with a Post Only and TIF instruction of PRE, PTX, or PTD, like those with a TIF instruction or GTD, GTX, or Day, will be cancelled without execution if, when entered, it is immediately marketable against an order with a Displayed instruction resting in the EDGA Book unless such order removes liquidity pursuant to Exchange Rule 11.6(n)(4).[37]

• MidPoint Peg Orders. Rule 11.8(d)(1) describes the TIF instructions that may be attached to a MidPoint Peg Order. The Exchange proposes to amend paragraph (d)(1) to state that a MidPoint Peg Order may have a TIF instruction of PRE, PTX, or PTD, in addition to Day, FOK, IOC, RHO, GTX and GTD.

• MDO. Rule 11.8(e)(1) describes the TIF instructions that may be attached to an MDO. The Exchange proposes to amend paragraph (e)(1) to state that an MDO may have a TIF instruction of PRE, PTX, or PTD, in addition to Day, RHO, GTX and GTD.

• Market Maker Peg Orders. The proposed TIF instruction of PRE, PTX, and PTD would not be available to Market Maker Peg Orders. Under Exchange Rule 11.8(f)(4), a Market Maker Peg Order may only include a TIF instruction of Day, RHO, or GTD.

Supplemental Peg. Rule 11.8(g)(1) describes the TIF instructions that may be attached to a Supplemental Peg Order. The Exchange proposes to amend paragraph (g)(1) to state that a Supplemental Peg Order may have a TIF instruction of PRE, PTX, or PTD, in addition to GTD, GTX, RHO and Day.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[38] in general, and furthers the objectives of 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 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. The Exchange also believes that the proposed rule change is non-discriminatory as it would apply to all Members uniformly. The proposed rule change in whole is designed to attract more order flow to the Exchange

[30] *See* Exchange Rule 11.6(q)(6).

[31] *See* Exchange Rule 11.6(q)(2). This is also similar to the current Good-'til Cancel (''GTC'') TIF instruction currently available on BZX and the BATS Y-Exchange, Inc. (''BYX''). *See* BZX and BYX Rules 11.9(b)(3).

[32] *See* Exchange Rule 11.6(q)(5).

[33] *See* Exchange Rule 11.6(q)(4).

[34] Orders utilizing one of the proposed TIF instructions would not be eligible for execution during the proposed Early Trading Session.

[35] *See* Exchange Rule 11.1(a).

[36] The Exchange notes that the proposed rule change would operate in an identical manner to that proposed in SR–BATS–2016–01and the language of the BATS and Exchange Rules differ to [sic] extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BATS rules based on the current structure of such rules. *See supra* note 4.

[37] Exchange Rule 11.6(n)(4) defined the Post Only instruction and states, in sum, that an order with a Post Only instruction and a Display-Price Sliding or Price Adjust instruction will remove contra-side liquidity from the EDGA Book if the order is an order to buy or sell a security priced below $1.00 or if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the EDGA Book and subsequently provided liquidity, including the applicable fees charged or rebates provided.

[38] 15 U.S.C. 78f.

[39] 15 U.S.C. 78f(b)(5).

between 7:00 a.m. and 9:30 a.m. Eastern Time. Increased liquidity during this time will lead to improved price discovery and increased execution opportunities on the Exchange, therefore, promoting just and equitable principles of trade, and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

Early Trading Session

The Exchange believes its proposal to adopt the Early Trading Session promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system, prevents fraudulent and manipulative acts and practices, and, in general, protects investors and the public interest. The Exchange believes that the Early Trading Session will benefit investors, the national market system, Members, and the Exchange market by increasing competition for order flow and executions, and thereby spur product enhancements and lower prices. The Early Trading Session will benefit Members and the Exchange market by increasing trading opportunities between 7:00 a.m. and 8:00 a.m. without increasing ancillary trading costs (telecommunications, data, connectivity, etc.) and, thereby, decreasing average trading costs per share. The Exchange notes that trading during the proposed Early Trading Session has been available on NYSE Arca and Nasdaq.[40] The Exchange believes that the availability of trading between 7:00 a.m. and 8:00 a.m. has been beneficial to market participants including investors and issuers on other markets. Introduction of the Early Trading Session on the Exchange will further expand these benefits.

Additionally, the Exchange Act's goal of creating an efficient market system includes multiple policies such as price discovery, order interaction, and competition among markets. The Exchange believes that offering a competing trading session will promote all of these policies and will enhance quote competition, improve liquidity in the market, support the quality of price discovery, promote market transparency, and increase competition for trade executions while reducing spreads and transaction costs. Additionally, increasing liquidity during the Early Trading Session will raise investors' confidence in the fairness of the markets and their transactions, particularly due to the lower volume of trading occurring prior to opening.

Although the Exchange will be operating with bifurcated pre-opening trading sessions, the Exchange notes that having bifurcated after hours trading sessions is not novel. For example, the CHX maintains two after hours trading sessions,[41] the Late Trading Session, which runs from 4:00 p.m. to 4:15 p.m. Eastern Time, and the Late Crossing Session, which runs from 4:15 p.m. to 5:00 Eastern Time. As such, the Exchange does not believe that the proposed rule change will disproportionately increase the complexity of the market.

The expansion of trading hours through the creation of the Early Trading Session promotes just and equitable principles of trade by providing market participants with additional options in seeking execution on the Exchange. Order entry and execution during the Early Trading Session would operate in the same manner as it does today during the Pre-Opening Session. In addition, the Exchange will report the best bid and offer on the Exchange to the appropriate network processor, and the Exchange's proprietary data feeds will be disseminated, beginning at 7:00 a.m. The proposal will, therefore, facilitate a well-regulated, orderly, and efficient market during a period of time that is currently underserved.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because all surveillance coverage currently performed by the Exchange's surveillance systems will launch by the time trading starts at 7:00 a.m. Eastern Time. Further, the Exchange believes that the proposed rule change will protect investors and the public interest because the Exchange is updating its customer disclosure requirements to prohibit Members from accepting an order from a customer for execution in the Early Trading Session without disclosing to their customer that extended hours trading involves material trading risks, including the possibility of lower liquidity, high volatility, changing prices, unlinked markets, an exaggerated effect from news announcements, wider spreads and any other relevant risk.

TIF Instructions

The Exchange believes its proposed TIF instructions promote just and equitable principles of trade, and remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed TIF instructions will benefit investors by providing them with greater control over their orders. The proposed TIF instructions simply provide investors with additional optionality for when their orders may be eligible for execution.

The ability to select the trading sessions or time upon which an order is to be eligible for execution is not novel and is currently available on the Exchange and other market centers. For example, on the Exchange, a User may enter an order starting at 6:00 a.m. Eastern Time and select that such order not be eligible for execution until 9:30 a.m., the start of Regular Trading Hours using TIF instructions of Regular Hours Only.[42] In addition, like each of the proposed TIF instructions, Nasdaq utilizes a TIF, referred to as ESCN, under which an order using its SCAN routing strategy entered prior to 8:00 a.m. Eastern Time is not eligible for execution until 8:00 a.m. Eastern Time.[43]

The Exchange proposed the Early Trading Session discussed above in response to User requests for their orders to be eligible for execution starting at 7:00 a.m. Eastern Time. However, some Users have requested their orders continue to not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m. Therefore, the Exchange proposed the three new TIF instructions in order for Users to designate their orders as eligible for execution as of the start of the Pre-Opening Session.

Members will maintain the ability to cancel or modify the terms of their order at any time, including during the time from when the order is routed to the Exchange until the start of the Pre-Opening Session. As a result, a Member who utilizes the proposed TIF instructions, but later determines that market conditions favor execution during Early Trading Session, can cancel the order residing at the Exchange and enter a separate order to execute during the Early Trading Session. While a User must make every effort to execute a marketable customer order it receives fully and promptly,[44] doing so might not result in the best execution possible for the customer.

[40] *See supra* note 6.

[41] *See supra* note 7.

[42] *See* Exchange Rule 11.6(q)(6). *See also* Nasdaq Rule 4703(a) (outlining TIF instructions that do not activate orders until 9:30 a.m. Eastern Time).

[43] *See* Nasdaq Rule 4703(a). *See also* Nasdaq Rule 4703(a)(7).

[44] *See* Supplemental Material .01 to Financial Industry Regulatory Authority, Inc. (''FINRA'') Rule 5310.

Such Users may wish to delay the execution of their orders until the start of the Pre-Opening Session for various reasons, including the characteristics of the market for the security as well as the amount of liquidity available in the market as part of their best execution obligations.[45]

Specifically, FINRA Rule 5310(a)(1) provides that a Member must use reasonable diligence to ascertain the best market for a security and buy or sell in such market so that the resultant price to the customer is as favorable as possible under prevailing market conditions. And importantly, FINRA Rule 5310(a)(1)(A) states that one of the factors that will be considered in determining whether a member has used ''reasonable diligence'' is ''the character of the market for the security (*e.g.,* price, volatility, relative liquidity, and pressure on available communication).[46] As such, a Member conducting ''reasonable diligence'' may determine that due to the character of the Early Trading Session, along with considering other relevant factors, the Member wants to utilize the proposed TIF instructions.

Members will be accustomed to this additional analysis in determining whether to participate in the Early Trading Session, Pre-Opening Session, or Regular Trading Hours. The regulatory guidance with respect to best execution anticipates the continued evolution of execution venues:

> [B]est execution is a facts and circumstances determination. A broker-dealer must consider several factors affecting the quality of execution, including, for example, the opportunity for price improvement, the likelihood of execution . . ., the speed of execution and the trading characteristics of the security, together with other non-price factors such as reliability and service.[47]

To the extent there may be best execution obligations at issue, they are no different than the best execution obligations faced by brokers in the current market structure,[48] including the use of the currently available Regular Trading Hours TIF instruction or SCAN/ESCN routing strategy available on Nasdaq discussed above.[49] However, similar to why a Member may utilize the Regular Trading Hours TIF instruction, a User may wish to forgo a possible execution during the Early Trading Session and/or Pre-Opening Session if they believe doing so is consistent with their best execution obligations as they anticipate that the market for the security may improve upon the start of the Pre-Opening Session and/or Regular Trading Hours.[50] Applicable best execution guidance contains no formulaic mandate as to whether or how brokers should direct orders. The optionality created by the proposed rule change simply represents one tool available to Members in order to meet their best execution obligations.

Lastly, the Exchange reminds Members of their regulatory obligations when submitting an order one of the proposed TIF instructions. The Market Access Rule under Rule 15c3–5 of the Act requires broker-dealers to, among other things, implement regulatory risk management controls and procedures that are reasonably designed to prevent the entry of orders that fail to comply with regulatory requirements that apply on a pre-order entry basis.[51] These pre-trade controls must, for example, be reasonably designed to assure compliance with Exchange trading rules and Commission rules under Regulation SHO [52] and Regulation NMS.[53] In accordance with the Market Access Rule, a Member's procedures must be reasonably designed to ensure compliance with their applicable regulatory requirements, not just at the time the order is routed to the Exchange, but also at the time the order becomes eligible for execution.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that its proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will benefit investors, the national market system, Members, and the Exchange market by increasing competition for order flow and executions during the pre-market sessions, thereby spurring product enhancements and lowering prices. The Exchange believes the proposed Early Trading Session would enhance competition by enabling the Exchange to directly compete with NYSE Arca and Nasdaq for order flow and executions starting at 7:00 a.m., rather than 8:00 a.m. Eastern Time. In addition, the proposed TIF instructions will enhance competition by enabling the Exchange to offer functionality similar to Nasdaq.[54] The fact that the extending of the proposed Early Trading Session and TIF instructions are themselves a response to the competition provided by other markets is evidence of its pro-competitive nature.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings

[45] A Member's best execution obligation may also include cancelling an order when market conditions deteriorate and could result in an inferior execution or informing customers where the execution of their order may be delayed intentionally as the Member utilizes reasonable diligence to ascertain the best market for the security. *See* FINRA Rule 5130 [sic]. *See also* FINRA Regulatory Notice 15–46, *Best Execution. Guidance on Best Execution Obligations in Equity, Options, and Fixed Income Markets,* (November 2015).

[46] Tellingly, these characteristics are reflected in the disclosure requirements mandated by Exchange Rule 3.21 before a Member may accept an order from a customer for execution in the Pre-Opening, Post-Closing, and proposed Early Trading Sessions.

[47] *See* Securities Exchange Act Release No. 43950 (November 17, 2000), 65 FR 75414 (December 1, 2000) (''Disclosure of Order Execution and Routing Practices release'').

[48] The Commission has also indicated a User's best execution obligation may not be satisfied simply by obtaining the best bid or offer (''BBO''). *See* Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996) (''Order Executions Obligations release''). While a User may seek the most favorable terms reasonably available under the circumstances of the transaction, such terms may not necessarily in every case be the best price available. Id. *See also* FINRA Regulatory Notice 15–46, *Best Execution. Guidance on Best Execution Obligations in Equity, Options, and Fixed Income Markets,* (November 2015).

[49] *See supra* note 43.

[50] Exchange Rule 3.21 requires Member make [sic] certain disclosures to their customers prior to accepting an order for execution outside of Regular Trading Hours. These disclosures include, among other things, the risk of lower liquidity, higher volatility, wider spreads, and changing prices in extended hours trading as compared to regular market hours. *See* Exchange Rule 3.21(a)–(g).

[51] *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010) (File no. S7–03–10).

[52] *See e.g.,* Question 2.6 of the Division of Trading and Markets: Response to Frequently Asked Questions Concerning Regulations SHO, *available at https://www.sec.gov/divisions/marketreg/mrfaqregsho1204.htm.*

[53] 17 CFR 240.610–611 [sic].

[54] *See supra* note 43.

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, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–EDGA–2016–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–EDGA–2016–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing 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–EDGA–2016–02 and should be submitted on or before March 14, 2016.

[55] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03524 Filed 2–19–16; 8:45 am]

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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:

Schedule 14D–1F, SEC File No. 270–338, OMB Control No. 3235–0376.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Schedule 14D–1F (17 CFR 240.14d–102) is a form that may be used by any person (the ''bidder'') making a cash tender or exchange offer for securities of any issuer (the ''target'') incorporated or organized under the laws of Canada or any Canadian province or territory that is a foreign private issuer, where less than 40% of the outstanding class of the target's securities that is the subject of the offer is held by U.S. holders. Schedule 14D–1F is designed to facilitate cross-border transactions in the securities of Canadian issuers. The information required to be filed with the Commission provides security holders with material information regarding the bidder as well as the transaction so that they may make informed investment decisions. The information provided is mandatory and all information is made available to the public upon request. Schedule 14D–1F takes approximately 2 hours per response to prepare and is filed by approximately 2 respondents annually for a total reporting burden of 4 hours (2 hours per response × 2 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the 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 send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 16, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–03522 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77144; File No. SR–BOX–2016–07]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC (''BOX'') Options Facility

February 16, 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 5, 2016, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to make two changes to the Volume Based Rebates for Market Makers in Non-Auction

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

Transactions. First, the Exchange proposes to specify that transactions which are not the result of a Market Maker quotation will be considered exempt from the Tiered Volume Rebate for Market Makers in Non-Auction Transactions. Additionally, the Exchange proposes to amend the structure and distinguish between whether the Market Maker is a liquidity provider or a liquidity taker within the transactions. Market Makers will no longer be eligible for a rebate on their Non-Auction Transactions which take liquidity. Market Maker transactions which take liquidity or are not the result of a Market Maker quote will continue to count toward the Market Maker's overall executed volume on BOX each month. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section I.A.1 of the BOX Fee Schedule (Tiered Volume Rebate for Non-Auction Transactions).

The Exchange currently provides tiered rebates to Public Customers and Market Makers in Non-Auction Transaction who achieve certain volume based thresholds. The Exchange calculates percentage thresholds on a monthly basis by totaling the Market Maker or Public Customer's executed volume on BOX, relative to the total national Market Maker or Customer volume in multiply-listed options classes.

The Exchange proposes to make two changes to the Volume Based Rebates for Market Makers in Non-Auction Transactions. First, the Exchange proposes to specify that transactions which are not the result of a Market Maker quotation will be considered exempt from the Tiered Volume Rebate for Market Makers in Non-Auction Transactions. Additionally, the Exchange proposes to amend the structure and distinguish between whether the Market Maker is a liquidity provider or a liquidity taker within the transactions. Market Makers will no longer be eligible for a rebate on their Non-Auction Transactions which take liquidity. Market Maker transactions which take liquidity or are not the result of a Market Maker quote will continue to count toward the Market Maker's overall executed volume on BOX each month.

The new per contract rebate for Market Makers in Non-Auction Transactions as set forth in Section I.A.1. of the BOX Fee Schedule will be as follows:

Tier	Percentage thresholds of national market maker volume in multiply-listed options classes (monthly)	Per contract rebate	
		Maker	Taker
1	0.000%–0.069%	$0.00	$0.00
2	0.070%–0.249%	($0.03)	$0.00
3	0.250%–0.299%	($0.05)	$0.00
4	0.300% and Above	($0.10)	$0.00

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract rebate			
		Penny pilot classes		Non-Penny pilot classes	
		Maker	Taker	Maker	Taker
1	0.000%–0.129%	$0.00	$0.00	$0.00	$0.00
2	0.130%–0.339%	($0.15)	($0.15)	($0.40)	($0.40)
3	0.340%–0.549%	($0.25)	($0.25)	($0.50)	($0.50)
4	0.550% and Above	($0.40)	($0.40)	($0.90)	($0.70)

The Exchange also proposes to make non-substantive technical changes to the date and volume based fees and rebates within the BOX Fee Schedule. Specifically, the Exchange proposes to relabel the highest tier within each structure to clarify what percentage of volume is needed to qualify for the tier. The Exchange also proposes to remove the reference date at the beginning of the BOX Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed changes to the Tiered Volume Rebates for Market Makers in Non-Auction Transactions are reasonable, equitable and not unfairly discriminatory.

Specifically, the Exchange believes that exempting transactions which are not the result of Market Maker quote from the Market Maker Tiered Volume Rebate is reasonable, equitable and not unfairly discriminatory. BOX provides these volume based rebates to incentivize Market Makers to direct order flow to the Exchange to obtain the benefit of the rebate, which will in turn benefit all market participants by increasing liquidity on the Exchange. The Exchange believes by providing a rebate to only those transactions that are the result of a quote, Market Makers will

[5] 15 U.S.C. 78f(b)(4) and (5).

be further encouraged to direct liquidity to BOX.

The Exchange believes it is reasonable to amend the structure of the Tiered Volume Rebates for Market Makers in Non-Auction Transactions to distinguish whether the Market Maker is a liquidity provider or liquidity taker, and remove the rebate for Market Makers that take liquidity. As stated above, the volume thresholds and applicable rebates are meant to incentivize Market Makers to direct order flow to the Exchange to obtain the benefit of the rebate, which will in turn benefit all market participants by increasing liquidity on the Exchange. The Exchange notes that, while certain Market Maker transactions will no longer receive a rebate, Market Maker Non-Auction transaction fees remain lower than other account types and are in line with the Market Maker fees at other exchanges.[6]

In summary, the proposed changes to the Market Maker Tiered Volume Rebate are intended to attract order flow to the Exchange by incentivizing Market Makers to post liquidity on BOX. The practice of providing incentives to increase order flow is, and has been, a common practice in the options markets. Further, the Exchange believes it is appropriate to provide incentives for Market Makers which will result in greater liquidity and ultimately benefit all Participants trading on the Exchange.

The Exchange believes that the non-substantive technical changes to the BOX Fee Schedule are reasonable, equitable and not unfairly discriminatory. Specifically, the Exchange believes it is reasonable and appropriate to clarify the parameters of those tiers in order for Participants to better understand what percentage of volume qualifies for a rebate. The Exchange also believes it is reasonable to remove the reference date, as doing so will reduce investor confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that amending the proposed rebate structure for Marker [sic] Maker Non-Auction Transactions will not impose a burden on competition among various Exchange Participants. The Exchange believes that the proposed changes will result in Market Makers being rebated appropriately for these transactions. Further, the Exchange believes that this proposal will enhance competition between exchanges because it is designed to allow the Exchange to better compete with other exchanges for order flow.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing exchanges. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[7] and Rule 19b–4(f)(2) thereunder,[8] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2016–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2016–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2016–07, and should be submitted on or before March 14, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03527 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

[6] Market Makers are charged anywhere from to $0.05 to $0.29 on the Miami International Securities Exchange, LLC (''MIAX''), See the MIAX Fee Schedule Section I(a)(i) ''Market Maker Transaction Fees'' and ''Market Maker Sliding Scale''; and charged $0.39 to $0.95 on the NASDAQ OMX BX, Inc. (''BX Options'') Chapter XV, Section 2 BX Options Market—Fees and Rebates; and charged $0.35 to $1.10 on NASDAQ Stock Market LLC (''NOM'') Chapter XV, Section 2 NASDAQ Options Market—Fees and Rebates.

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77142; File No. SR–EDGX–2016–06]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Adopt an Early Trading Session and Three New Time-in-Force Instructions

February 16, 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 2, 2016, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On February 12, 2016, the Exchange filed Amendment No.1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its rules to: (i) Create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time; and (ii) adopt three new Time-in-Force (''TIF'') instructions.[4]

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange noted that it would subject orders that are eligible for execution as of the start of the Pre-Opening Session to all of the Exchange's standard regulatory checks, including compliance with Regulation NMS, Regulation SHO, as well as other relevant Exchange rules.

[4] The Exchange notes that its affiliates, BATS Exchange, Inc, (''BZX'') and BATS Y-Exchange, Inc. (''BYX'') also intend to file proposed rule changes with the Commission to amend their rules to also: (i) Create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time; and (ii) adopt identical TIF instructions.. The Exchange further notes that the proposed rule change would operate in an identical manner to that proposed by BZX and BYX and the language of the BZX, BYX and Exchange Rules would differ to the extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BZX or BYX rules based on the current structure of such rules.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to: (i) Create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time; and (ii) adopt three new TIF instructions.

Early Trading Session

The Exchange trading day is currently divided into three sessions of which a User[5] may select their order(s) be eligible for execution: (i) The Pre-Opening Session which starts at 8:00 a.m. and ends at 9:30 a.m. Eastern Time; (ii) Regular Trading Hours which runs from 9:30 a.m. to 4:00 p.m. Eastern Time; and (iii) the Post-Closing Session, which runs from 4:00 p.m. to 8:00 p.m. Eastern Time. The Exchange proposes to amend its rules to create a new trading session to be known as the Early Trading Session, which will run from 7:00 a.m. to 8:00 a.m. Eastern Time.[6] Exchange Rule 1.5 would be amended to add a new definition for the term ''Early Trading Session'' under new paragraph (ii). ''Early Trading Session'' would be defined as ''the time between 7:00 a.m. and 8:00 a.m. Eastern Time.''[7]

[5] ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[6] The Exchange notes that NYSE Arca, Inc. (''NYSE Arca'') operates an Opening Session that starts at 4:00 a.m. Eastern Time (1:00 a.m. Pacific Time) and ends at 9:30 a.m. Eastern Time (6:30 a.m. Pacific Time). *See* NYSE Arca Rule 7.34(a)(1). The Nasdaq Stock Market LLC (''Nasdaq'') operates a pre-market session that also opens at 4:00 a.m. and ends at 9:30 a.m. Eastern Time. *See* Nasdaq Rule 4701(g). *See also* Securities Exchange Act Release No. 69151 (March 15, 2013), 78 FR 17464 (March 21, 2013) (SR–Nasdaq–2013–033) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Extend the Pre-Market Hours of the Exchange to 4:00 a.m. EST).

[7] An Exchange having bifurcated after hours trading sessions is not novel. For example, the Chicago Stock Exchange, Inc. (''CHX'') maintains two after hours trading sessions. *See* CHX Article 20, Rule 1(b). *See also* Securities Exchange Act Release No. 60605 (September 1, 2009), 74 FR 46277 (September 8, 2009) (SR–CHX–2009–13) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding Additional Trading Sessions).

The Exchange also proposes to amend Rule 11.1(a) to account for the Early Trading Session starting at 7:00 a.m. Eastern Time. Other than the proposal to adopt an Early Trading Session starting at 7:00 a.m. Eastern Time, the Exchange does not propose to amend the substance or operation of Rule 11.1(a).

Users currently designate when their orders are eligible for execution by selecting the desired TIF instruction under Exchange Rule 11.6(q). Orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the Pre-Opening Session, or Regular Trading Hours,[8] depending on the TIF selected by the User. Users may enter orders in advance of the trading session they intend the order to be eligible for. For example, Users may enter orders starting at 6:00 a.m. Eastern Time with a TIF of Regular Hours Only, which designates that the order only be eligible for execution during Regular Trading Hours.[9] As stated above, Users may enter orders as early as 6:00 a.m. Eastern Time, but those orders would not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m. Some Users have requested the ability for their orders to be eligible for execution starting at 7:00 a.m. Eastern Time. Therefore, the Exchange is proposing to adopt the Early Trading Session as discussed herein.

Order entry and execution during the Early Trading Session would operate in the same manner as it does during the Pre-Opening Session. As amended, Exchange Rule 11.1(a)(1) would state that orders entered between 6:00 a.m. and 7:00 a.m. Eastern Time, rather than 6:00 a.m. and 8:00 a.m. Eastern Time, would not be eligible for execution until the start of the Early Trading Session, Pre-Opening Session, or Regular Trading Hours, depending on the TIF selected by the User. Exchange Rule 11.1(a)(1) will also be amended to state that the Exchange will not accept the following orders prior to 7:00 a.m. Eastern Time, rather than 8:00 a.m.: Orders with a Post Only instruction,[10] Intermarket Sweep Orders (''ISOs''),[11]

[8] ''Regular Trading Hours'' is defined as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[9] *See* Exchange Rule 11.6(q)(6).

[10] *See* Exchange Rule 11.6(n)(4).

[11] *See* Exchange Rule 11.8(c).

Market Orders [12] with a TIF other than Regular Hours Only, orders with a Minimum Execution Quantity instruction [13] that also include a TIF of Regular Hours Only, and all orders with a TIF instruction of Immediate-or-Cancel (''IOC'') [14] or Fill-or-Kill (''FOK'').[15] At the commencement of the Early Trading Session, orders entered between 6:00 a.m. and 7:00 a.m. Eastern Time, rather than 6:00 a.m. and 8:00 a.m. Eastern Time, will be handled in time sequence, beginning with the order with the oldest time stamp, and will be placed on the EDGX Book,[16] routed, cancelled, or executed in accordance with the terms of the order. As amended, Rule 11.1(a) would state that orders may be executed on the Exchange or routed away from the Exchange during Regular Trading Hours and during the Early Trading, Pre-Opening, Regular and Post Closing Sessions.

Operations. From the Members' operational perspective, the Exchange's goal is to permit trading for those that choose to trade, without imposing burdens on those that do not. Thus, for example, the Exchange will not require any Member to participate in the Early Trading Session, including not requiring registered market makers to make two-sided markets between 7:00 a.m. and 8:00 a.m., just as it does not require such participation between 8:00 a.m. and 9:30 a.m.[17] The Exchange will minimize Members' preparation efforts to the greatest extent possible by allowing Members to trade beginning at 7:00 a.m. with the same equipment, connectivity, order types, and data feeds they currently use from 8:00 a.m. onwards.

Opening Process. The Exchange will offer no opening process at 7:00 a.m., just as it offers no opening process at 8:00 a.m. today. Instead, at 7:00 a.m., the System will ''wake up'' by loading in price/time priority all open trading interest entered after 6:00 a.m.[18] Also at 7:00 a.m., the Exchange will open the execution system and accept new eligible orders, just as it currently does at 8:00 a.m. Members will be permitted to enter orders beginning at 6:00 a.m. Market Makers will be permitted but not required to open their quotes beginning at 7:00 a.m. in the same manner they open their quotes today beginning at 8:00 a.m.

Order Types. Every order type that is currently available beginning at 8:00 a.m. will be available beginning at 7:00 a.m.[19] All other order types, and all order type behaviors, will otherwise remain unchanged. The Exchange will not extend the expiration times of any orders. For example, an order that is currently available from 8:00 a.m. to 4:00 p.m. will be modified to be available from 7:00 a.m. to 4:00 p.m. An order that is available from 8:00 a.m. to 9:30 a.m. will be modified to be available from 7:00 a.m. to 9:30 a.m. Users must continue to enter a TIF instruction along with their order to indicate when the order is eligible for execution.[20]

Routing Services. The Exchange will route orders to away markets between 7:00 a.m. and 8:00 a.m., just as it does today between 8:00 a.m. and 9:30 a.m.[21] All routing strategies set forth in Exchange Rule 11.11 will remain otherwise unchanged, performing the same instructions they perform between 7:00 a.m. and 8:00 a.m. today.[22]

Order Processing. Order processing will operate beginning at 7:00 a.m. just as it does today beginning at 8:00 a.m. There will be no changes to the ranking, display, and execution processes or rules.

Data Feeds. The Exchange will report the best bid and offer on the Exchange to the appropriate network processor, as it currently does beginning 8:00 a.m.[23] The Exchange's proprietary data feeds will be disseminated beginning at 7:00 a.m. using the same formats and delivery mechanisms with which the Exchange currently disseminates them beginning at 8:00 a.m.

Trade Reporting. Trades executed between 7:00 a.m. and 8:00 a.m. will be reported to the appropriate network processor with the ''.T'' modifier, just as they are reported today between at 8:00 a.m. and 9:30 a.m.[24]

Market Surveillance. The Exchange's commitment to high-quality regulation at all times will extend to 7:00 a.m. The Exchange will offer all surveillance coverage currently performed by the Exchange's surveillance systems, which will launch by the time trading starts at 7:00 a.m.

Clearly Erroneous Trade Processing. The Exchange will process trade breaks beginning at 7:00 a.m. pursuant to Exchange Rule 11.15, just as it does today beginning at 8:00 a.m.

Related changes to Rules 3.21, 11.8, 11.10, 11.15, 14.1, 14.2 and 14.3. The Exchange proposes to also make the following changes to Rules 3.21, 11.8, 11.10, 11.15, 14.1, 14.2 and 14.3 to reflect the adoption of the Early Trading Session:

- Rule 3.21, Customer Disclosures. In sum, Exchange Rule 3.21 prohibits Members from accepting an order from a customer for execution in the Pre-Opening or Post-Closing Session without disclosing to their customer that extended hours trading involves material trading risks, including the possibility of lower liquidity, high volatility, changing prices, unlinked markets, an exaggerated effect from news announcements, wider spreads and any other relevant risk. The Exchange proposes to amend Rule 3.21 to include the Early Trading Session as part of the Member's required disclosures to their customers.
- Rule 11.8, Orders and Modifiers. The Exchange proposes to amend the description of Limit Orders under Rule 11.8(b), ISOs under Rule 11.8(c), MidPoint Peg Orders under Rule 11.8(d), and Supplemental Peg Orders under Rule 11.8(f) to account for the Early Trading Session.[25] As stated above, every order type that is currently available beginning at 8:00 a.m. will be available beginning at 7:00 a.m. for inclusion in the Early Trading Session.[26] All other order types, and all order type behaviors, will otherwise remain unchanged. Therefore, but for Market Orders under Rule 11.8(a) and Market Maker Peg Orders under Rule 11.8(e), each of the above rules for Limit Orders, ISOs, MidPoint Peg Orders, and Supplemental Peg Orders would be amended to state that those orders types are available during the Early Trading Session. Market Orders and Market Maker Peg Orders would not be eligible for execution during the Early Trading Session. Market Orders are only eligible for execution during the Regular Session.[27] Market Maker Peg Orders may currently be submitted to the Exchange starting at the beginning of the Pre-Opening Session, but the order will

[12] *See* Exchange Rule 11.8(a).

[13] *See* Exchange Rule 11.6(h).

[14] *See* Exchange Rule 11.6(q)(1).

[15] *See* Exchange Rule 11.6(q)(3).

[16] *See* Exchange Rule 1.5(d).

[17] *See* Exchange Rule 11.20(d)(2) (stating that for NMS stocks (as defined in Rule 600 under Regulation NMS) a Market Maker shall adhere to the pricing obligations established by this Rule during Regular Trading Hours).

[18] *See* Exchange Rule 11.1(a)(1).

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *See* Exchange Rule 11.11 (Routing to Away Trading Centers).

[23] *See* Exchange Rule 11.12 (Trade Reporting).

[24] *Id.*

[25] The Exchange notes that the proposed rule change would operate in an identical manner to that proposed in SR–BATS–2016–01 and the language of the BATS and Exchange Rules differ to [sic] extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BATS rules based on the current structure of such rules. *See supra* note 4.

[26] *See* proposed amendments to Exchange Rule 11.1(a).

[27] *See* Exchange Rule 11.8(a)(5).

not be executable or automatically priced until the beginning of Regular Trading Hours [sic]. Rule 11.8(e)(7) would be amended to state that Market Maker Peg Orders may be submitted to the Exchange starting at the beginning of the Early Trading Session. Market Maker Peg Orders would continue to not be executable or automatically priced until after the first regular way transaction on the listing exchange in the security, as reported by the responsible single plan processor.

• Rule 11.10, Order Execution and Routing. Exchange Rule 11.10(a)(2) discusses compliance with Regulation NMS and Trade Through Protections and states that the price of any execution occurring during the Pre-Opening Session or the Post-Closing Session must be equal to or better than the highest Protected Bid or lowest Protected Offer, unless the order is marked ISO or a Protected Bid is crossing a Protected Offer. The Exchange proposes to amend Rule 11.10(a)(2) to expand the rule's requirements to the Early Trading Session.

• Rule 11.15, Clearly Erroneous Executions. Exchange Rule 11.15 outlines under which conditions the Exchange may determine that an execution is clearly erroneous. The Exchange proposes to amend Rule 11.15 to include executions that occur during the Early Trading Session. Exchange Rule 11.15(c)(1) sets forth the numerical guidelines the Exchange is to follow when determining whether an execution was clearly erroneous during Regular Trading Hours or the Pre-Opening or Post-Closing Trading Session. Exchange Rule 11.15(c)(3) sets forth additional factors the Exchange may consider in determining whether a transaction is clearly erroneous. These factors include Pre-Opening and Post-Closing Trading Session executions. The Exchange proposes to amend Rule 11.15(c)(1) and (3) to include executions occurring during the Early Trading Session.

• Rule 14.1, Unlisted Trading Privileges. The Exchange proposes to amend Rules 14.1(c)(2), and Interpretation and Policies .01(a) and (b) to account for the proposed Early Trading Session. Specifically, the Exchange proposes to amend paragraph (c)(2) to state that an information circular distributed by the Exchange prior to the commencement of trading of a UTP Derivative Security [28] will include the risk of trading during the Early Trading Session, in addition to the Pre-Opening Session and Post-Closing Trading Session. In addition, the Exchange proposes to amend Interpretation and Policies .01(a) to add Early Trading Session to the paragraph's title and to state that if a UTP Derivative Security begins trading on the Exchange in the Early Trading Session or Pre-Opening Session and subsequently a temporary interruption occurs in the calculation or wide dissemination of the Intraday Indicative Value (''IIV'') or the value of the underlying index, as applicable, to such UTP Derivative Security, by a major market data vendor, the Exchange may continue to trade the UTP Derivative Security for the remainder of the Early Trading Session and Pre-Opening Session. Lastly, the Exchange proposes to amend Interpretation and Policies .01(b) to add Early Trading Session to the paragraph's title and to amend subparagraph (2) of that section to state that if the IIV or the value of the underlying index continues not to be calculated or widely available as of the commencement of the Early Trading Session or Pre-Opening Session on the next business day, the Exchange shall not commence trading of the UTP Derivative Security in the Early Trading Session or Pre-Opening Session that day.

• Rule 14.2, Investment Company Units. The Exchange proposes to amend Rule 14.2(g) to state that transactions in Investment Company Units may occur during the Early Trading Session, in addition to during Regular Trading Hours and the Pre-Opening and Post Closing Sessions.

• Rule 14.3, Trust Issued Receipts. The Exchange proposes to amend Rule 14.3(d) to state that transactions in Trust Issued Receipts may occur during the Early Trading Session, in addition to during Regular Trading Hours and the Pre-Opening and Post-Closing Sessions.

TIF Instructions

The Exchange proposes to adopt three new TIF instructions under Rule 11.6(q).[29] Under Rule 11.1(a)(1), a User may designate when their order is eligible for execution by selecting the desired TIF instruction under Exchange Rule 11.6(q). Currently, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the Pre-Opening Session, or Regular Trading Hours, depending on the TIF selected by the User. Users may enter orders in advance of the trading session they intend the order to be eligible for. For example, Users may enter orders starting at 6:00 a.m. Eastern Time with a TIF of Regular Hours Only, which designates that the order only be eligible for execution during Regular Trading Hours.[30] As stated above, Users may enter orders as early as 6:00 a.m. Eastern Time, but those orders would not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m.

As discussed above, the Exchange proposed the Early Trading Session in response to User requests for their orders to be eligible for execution starting at 7:00 a.m. Eastern Time. Some Users, however, do not wish for their orders to be executed during the Early Trading Session and have requested their orders continue to not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m. Therefore, the Exchange proposes to adopt the following three new TIF instructions under Rule 11.6(q):

• Pre-Opening Session Plus (''PRE''). A limit order that is designated for execution during the Pre-Opening Session and Regular Trading Hours. Like the current Day TIF instruction,[31] any portion not executed expires at the end of Regular Trading Hours.

• Pre-Opening Session 'til Extended Day (''PTX''). A limit order that is designated for execution during the Pre-Opening Session, Regular Trading Hours, and the Post-Closing Session. Like the current Good-'til Extended Day (''GTX'') TIF instruction,[32] any portion not executed expires at the end of the Post-Closing Session.

• Pre-Opening Session 'til Day (''PTD''). A limit order that is designated for execution during the Pre-Opening Session, Regular Trading Hours, and the Post-Closing Session. Like the current Good-'til Day (''GTD'') TIF instruction,[33] any portion not executed will be cancelled at the expiration time assigned to the order, which can be no later than the close of the Post-Closing Trading Session.

Under each proposed TIF instruction, Users may designate that their orders only be eligible for execution starting with the Pre-Opening Session. This is similar to the existing TIF of Regular Hours Only, which designates that the order only be eligible for execution during Regular Trading Hours, which starts at 9:30 a.m. Eastern Time. In such case, a User may enter orders starting at

[28] *See* Exchange Rule 14.1(c).

[29] The Exchange also proposes to amend the descriptions of GTD under Rule 11.6(q)(4) and GTX under Rule 11.6(q)(5) to replace incorrect references to the Post-Market Session with Post-Closing Session, as Post-Closing Session is the correct defined term under Exchange Rule 1.5(r).

[30] *See* Exchange Rule 11.6(q)(6).

[31] *See* Exchange Rule 11.6(q)(2). This is also similar to the current Good-'til Cancel (''GTC'') TIF instruction currently available on BZX and the BATS Y-Exchange, Inc. (''BYX''). *See* BZX and BYX Rules 11.9(b)(3).

[32] *See* Exchange Rule 11.6(q)(5).

[33] *See* Exchange Rule 11.6(q)(4).

6:00 a.m. Eastern Time, but such order would not be eligible for execution until 9:30 a.m. Eastern Time. Likewise, under each of the proposed TIF instructions, a User may continue to enter orders as early as 6:00 a.m., but such orders would not be eligible for execution until 8:00 a.m. Eastern Time, the start of the Pre-Opening Session.[34] At the commencement of the Pre-Opening Session, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time with one of the proposed TIF instructions will be handled in time sequence, beginning with the order with the oldest time stamp, and will be placed on the EDGX Book, routed, cancelled, or executed in accordance with the terms of the order.[35]

Lastly, the Exchange proposes to amend the following order types under Exchange Rule 11.8 to account for the three proposed TIF instructions: [36]

• Market Orders. The proposed TIF instruction of PRE, PTX, and PTD would not be available to Market Orders. Under Exchange Rule 11.8(a)(2), a Market Order may only include a TIF instruction of IOC, RHO, FOK, or Day.

• Limit Orders. Rule 11.8(b)(2) describes the TIF instructions that may be attached to a Limit Order. The Exchange proposes to amend paragraph (b)(2) to add the TIF instructions of PRE, PTX, or PTD to the list of TIF instructions that a Limit Order may include.

• ISOs. Rule 11.8(c)(1) describes the TIF instructions that may be attached to an incoming ISO. The Exchange proposes to amend paragraph (c)(1) to state that an incoming ISO may have a TIF instruction of PRE, PTX, or PTD, in addition to Day, GTD, RHO, GTX, and IOC. Exchange Rule 11.8(c)(1) would be further amended to state that an incoming ISO with a Post Only and TIF instruction of PRE, PTX, or PTD, like those with an TIF instruction or GTD, GTX, or Day, will be cancelled without execution if, when entered, it is immediately marketable against an order with a Displayed instruction resting in the EDGX Book unless such order removes liquidity pursuant to Exchange Rule 11.6(n)(4).[37]

• MidPoint Peg Orders. Rule 11.8(d)(1) describes the TIF instructions that may be attached to a MidPoint Peg Order. The Exchange proposes to amend paragraph (d)(1) to state that a MidPoint Peg Order may have a TIF instruction of PRE, PTX, or PTD, in addition to Day, FOK, IOC, RHO, GTX and GTD.

• Market Maker Peg Orders. The proposed TIF instruction of PRE, PTX, and PTD would not be available to Market Maker Peg Orders. Under Exchange Rule 11.8(e)(4), a Market Maker Peg Order may only include a TIF instruction of Day, RHO, or GTD.

Supplemental Peg. Rule 11.8(f)(1) describes the TIF instructions that may be attached to a Supplemental Peg Order. The Exchange proposes to amend paragraph (f)(1) to state that a Supplemental Peg Order may have a TIF instruction of PRE, PTX, or PTD, in addition to GTD, GTX, RHO and Day.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[38] in general, and furthers the objectives of 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 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. The Exchange also believes that the proposed rule change is non-discriminatory as it would apply to all Members uniformly. The proposed rule change in whole is designed to attract more order flow to the Exchange between 7:00 a.m. and 9:30 a.m. Eastern Time. Increased liquidity during this time will lead to improved price discovery and increased execution opportunities on the Exchange, therefore, promoting just and equitable principles of trade, and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

Early Trading Session

The Exchange believes its proposal to adopt the Early Trading Session promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system, prevents fraudulent and manipulative acts and practices, and, in general, protects investors and the public interest. The Exchange believes that the Early Trading Session will benefit investors, the national market system, Members, and the Exchange market by increasing competition for order flow and executions, and thereby spur product enhancements and lower prices. The Early Trading Session will benefit Members and the Exchange market by increasing trading opportunities between 7:00 a.m. and 8:00 a.m. without increasing ancillary trading costs (telecommunications, data, connectivity, etc.) and, thereby, decreasing average trading costs per share. The Exchange notes that trading during the proposed Early Trading Session has been available on NYSE Arca and Nasdaq.[40] The Exchange believes that the availability of trading between 7:00 a.m. and 8:00 a.m. has been beneficial to market participants including investors and issuers on other markets. Introduction of the Early Trading Session on the Exchange will further expand these benefits.

Additionally, the Exchange Act's goal of creating an efficient market system includes multiple policies such as price discovery, order interaction, and competition among markets. The Exchange believes that offering a competing trading session will promote all of these policies and will enhance quote competition, improve liquidity in the market, support the quality of price discovery, promote market transparency, and increase competition for trade executions while reducing spreads and transaction costs. Additionally, increasing liquidity during the Early Trading Session will raise investors' confidence in the fairness of the markets and their transactions, particularly due to the lower volume of trading occurring prior to opening.

Although the Exchange will be operating with bifurcated pre-opening trading sessions, the Exchange notes that having bifurcated after hours trading sessions is not novel. For example, the CHX maintains two after

[34] Orders utilizing one of the proposed TIF instructions would not be eligible for execution during the proposed Early Trading Session.

[35] *See* Exchange Rule 11.1(a).

[36] The Exchange notes that the proposed rule change would operate in an identical manner to that proposed in SR–BATS–2016–01 and the language of the BATS and Exchange Rules differ to [sic] extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BATS rules based on the current structure of such rules. *See supra* note 4.

[37] Exchange Rule 11.6(n)(4) defined the Post Only instruction and states, in sum, that an order with a Post Only instruction and a Display-Price Sliding or Price Adjust instruction will remove contra-side liquidity from the EDGX Book if the order is an order to buy or sell a security priced below $1.00 or if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the EDGX Book and subsequently provided liquidity, including the applicable fees charged or rebates provided.

[38] 15 U.S.C. 78f.

[39] 15 U.S.C. 78f(b)(5).

[40] *See supra* note 6.

hours trading sessions,[41] the Late Trading Session, which runs from 4:00 p.m. to 4:15 p.m. Eastern Time, and the Late Crossing Session, which runs from 4:15 p.m. to 5:00 Eastern Time. As such, the Exchange does not believe that the proposed rule change will disproportionately increase the complexity of the market.

The expansion of trading hours through the creation of the Early Trading Session promotes just and equitable principles of trade by providing market participants with additional options in seeking execution on the Exchange. Order entry and execution during the Early Trading Session would operate in the same manner as it does today during the Pre-Opening Session. In addition, the Exchange will report the best bid and offer on the Exchange to the appropriate network processor, and the Exchange's proprietary data feeds will be disseminated, beginning at 7:00 a.m. The proposal will, therefore, facilitate a well-regulated, orderly, and efficient market during a period of time that is currently underserved.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because all surveillance coverage currently performed by the Exchange's surveillance systems will launch by the time trading starts at 7:00 a.m. Eastern Time. Further, the Exchange believes that the proposed rule change will protect investors and the public interest because the Exchange is updating its customer disclosure requirements to prohibit Members from accepting an order from a customer for execution in the Early Trading Session without disclosing to their customer that extended hours trading involves material trading risks, including the possibility of lower liquidity, high volatility, changing prices, unlinked markets, an exaggerated effect from news announcements, wider spreads and any other relevant risk.

TIF Instructions

The Exchange believes its proposed TIF instructions promote just and equitable principles of trade, and remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed TIF instructions will benefit investors by providing them with greater control over their orders. The proposed TIF instructions simply provide investors with additional optionality for when their orders may be eligible for execution.

In addition, Members will maintain the ability to cancel or modify the terms of their order at any time, including during the time from when the order is routed to the Exchange until the start of the Pre-Opening Session. As a result, a Member who utilizes the proposed TIF instructions, but later determines that market conditions favor execution during Early Trading Session, can cancel the order residing at the Exchange and enter a separate order to execute during the Early Trading Session.

The ability to select the trading sessions or time upon which an order is to be eligible for execution is not novel and is currently available on the Exchange and other market centers. For example, on the Exchange, a User may enter an order starting at 6:00 a.m. Eastern Time and select that such order not be eligible for execution until 9:30 a.m., the start of Regular Trading Hours using TIF instructions of Regular Hours Only.[42] In addition, like each of the proposed TIF instructions, Nasdaq utilizes a TIF, referred to as ESCN, under which an order using its SCAN routing strategy entered prior to 8:00 a.m. Eastern Time is not eligible for execution until 8:00 a.m. Eastern Time.[43]

The Exchange proposed the Early Trading Session discussed above in response to User requests for their orders to be eligible for execution starting at 7:00 a.m. Eastern Time. However, some Users have requested their orders continue to not be eligible for execution until the start of the Pre-Opening Session at 8:00 a.m. Therefore, the Exchange proposed the three new TIF instructions in order for Users to designate their orders as eligible for execution as of the start of the Pre-Opening Session.

Members will maintain the ability to cancel or modify the terms of their order at any time, including during the time from when the order is routed to the Exchange until the start of the Pre-Opening Session. As a result, a Member who utilizes the proposed TIF instructions, but later determines that market conditions favor execution during Early Trading Session, can cancel the order residing at the Exchange and enter a separate order to execute during the Early Trading Session. While a User must make every effort to execute a marketable customer order it receives fully and promptly,[44] doing so might not result in the best execution possible for the customer. Such Users may wish to delay the execution of their orders until the start of the Pre-Opening Session for various reasons, including the characteristics of the market for the security as well as the amount of liquidity available in the market as part of their best execution obligations.[45]

Specifically, FINRA Rule 5310(a)(1) provides that a Member must use reasonable diligence to ascertain the best market for a security and buy or sell in such market so that the resultant price to the customer is as favorable as possible under prevailing market conditions. And importantly, FINRA Rule 5310(a)(1)(A) states that one of the factors that will be considered in determining whether a member has used ''reasonable diligence'' is ''the character of the market for the security (*e.g.,* price, volatility, relative liquidity, and pressure on available communication).[46] As such, a Member conducting ''reasonable diligence'' may determine that due to the character of the Early Trading Session, along with considering other relevant factors, the Member wants to utilize the proposed TIF instructions.

Members will be accustomed to this additional analysis in determining whether to participate in the Early Trading Session, Pre-Opening Session, or Regular Trading Hours. The regulatory guidance with respect to best execution anticipates the continued evolution of execution venues:

[B]est execution is a facts and circumstances determination. A broker-dealer must consider several factors affecting the quality of execution, including, for example, the opportunity for price improvement, the likelihood of execution . . ., the speed of execution and the trading characteristics of the

[41] *See supra* note 7.

[42] *See* Exchange Rule 11.6(q)(6). *See also* Nasdaq Rule 4703(a) (outlining TIF instructions that do not activate orders until 9:30 a.m. Eastern Time).

[43] *See* Nasdaq Rule 4703(a). *See also* Nasdaq Rule 4703(a)(7).

[44] *See* Supplemental Material .01 to Financial Industry Regulatory Authority, Inc. (''FINRA'') Rule 5310.

[45] A Member's best execution obligation may also include cancelling an order when market conditions deteriorate and could result in an inferior execution or informing customers where the execution of their order may be delayed intentionally as the Member utilizes reasonable diligence to ascertain the best market for the security. *See* FINRA Rule 5130 [sic]. *See also* FINRA Regulatory Notice 15–46, *Best Execution. Guidance on Best Execution Obligations in Equity, Options, and Fixed Income Markets,* (November 2015).

[46] Tellingly, these characteristics are reflected in the disclosure requirements mandated by Exchange Rule 3.21 before a Member may accept an order from a customer for execution in the Pre-Opening, Post-Closing, and proposed Early Trading Sessions.

security, together with other non-price factors such as reliability and service.[47]

To the extent there may be best execution obligations at issue, they are no different than the best execution obligations faced by brokers in the current market structure,[48] including the use of the currently available Regular Trading Hours TIF instruction or SCAN/ESCN routing strategy available on Nasdaq discussed above.[49] However, similar to why a Member may utilize the Regular Trading Hours TIF instruction, a User may wish to forgo a possible execution during the Early Trading Session and/or Pre-Opening Session if they believe doing so is consistent with their best execution obligations as they anticipate that the market for the security may improve upon the start of the Pre-Opening Session and/or Regular Trading Hours.[50] Applicable best execution guidance contains no formulaic mandate as to whether or how brokers should direct orders. The optionality created by the proposed rule change simply represents one tool available to Members in order to meet their best execution obligations.

Lastly, the Exchange reminds Members of their regulatory obligations when submitting an order one of the proposed TIF instructions. The Market Access Rule under Rule 15c3–5 of the Act requires broker-dealers to, among other things, implement regulatory risk management controls and procedures that are reasonably designed to prevent the entry of orders that fail to comply with regulatory requirements that apply on a pre-order entry basis.[51] These pre-trade controls must, for example, be reasonably designed to assure compliance with Exchange trading rules and Commission rules under Regulation SHO [52] and Regulation NMS.[53] In accordance with the Market Access Rule, a Member's procedures must be reasonably designed to ensure compliance with their applicable regulatory requirements, not just at the time the order is routed to the Exchange, but also at the time the order becomes eligible for execution.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that its proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will benefit investors, the national market system, Members, and the Exchange market by increasing competition for order flow and executions during the pre-market sessions, thereby spurring product enhancements and lowering prices. The Exchange believes the proposed Early Trading Session would enhance competition by enabling the Exchange to directly compete with NYSE Arca and Nasdaq for order flow and executions starting at 7:00 a.m., rather than 8:00 a.m. Eastern Time. In addition, the proposed TIF instructions will enhance competition by enabling the Exchange to offer functionality similar to Nasdaq.[54] The fact that the extending of the proposed Early Trading Session and TIF instructions are themselves a response to the competition provided by other markets is evidence of its pro-competitive nature.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–EDGX–2016–06 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–EDGX–2016–06. 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

[47] *See* Securities Exchange Act Release No. 43950 (November 17, 2000), 65 FR 75414 (December 1, 2000) (''Disclosure of Order Execution and Routing Practices release'').

[48] The Commission has also indicated a User's best execution obligation may not be satisfied simply by obtaining the best bid or offer (''BBO''). *See* Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996) (''Order Executions Obligations release''). While a User may seek the most favorable terms reasonably available under the circumstances of the transaction, such terms may not necessarily in every case be the best price available. Id. *See also* FINRA Regulatory Notice 15–46, *Best Execution. Guidance on Best Execution Obligations in Equity, Options, and Fixed Income Markets,* (November 2015).

[49] *See supra* note 43.

[50] Exchange Rule 3.21 requires Member make [sic] certain disclosures to their customers prior to accepting an order for execution outside of Regular Trading Hours. These disclosures include, among other things, the risk of lower liquidity, higher volatility, wider spreads, and changing prices in extended hours trading as compared to regular market hours. *See* Exchange Rule 3.21(a)–(g).

[51] *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010) (File no. S7–03–10).

[52] *See e.g.,* Question 2.6 of the Division of Trading and Markets: Response to Frequently Asked Questions Concerning Regulations SHO, *available at https://www.sec.gov/divisions/marketreg/mrfaqregsho1204.htm.*

[53] 17 CFR 240.610–611 [sic].

[54] *See supra* note 43.

information that you wish to make available publicly. All submissions should refer to File No. SR–EDGX–2016–06 and should be submitted on or before March 14, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03525 Filed 2–19–16; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77140; File No. SR–NYSEArca–2016–27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 7.35P To Provide for Price Collar Thresholds for Trading Halt Auctions

February 16, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on February 4, 2016, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.35P to provide for price collar thresholds for Trading Halt Auctions. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.35P to provide for price collar thresholds for Trading Halt Auctions on Pillar. As previously described, the Exchange is in the process of implementing Pillar, its new trading platform.[4] The Exchange anticipates beginning migrating symbols to Pillar on February 22, 2016. As symbols migrate to Pillar, specified current rules not designated with ''P'' will no longer be applicable, and rules with a ''P'' designation will govern the applicable conduct. With respect to auctions, on Pillar, current Rules 1.1(s) and 7.35 will no longer govern trading; Rule 7.35P will govern all aspects of auctions on Pillar.[5]

The Exchange recently amended Rule 1.1(s) to provide for price collar thresholds for Trading Halt Auctions on a temporary basis.[6] However, Rule 1.1(s)(B) will not be applicable to trading on Pillar. Accordingly, the Exchange proposes to amend Rule 7.35P to adopt price collar thresholds for Trading Halt Auctions on the same terms and conditions as approved in Rule 1.1(s)(B). As proposed, Rule 7.35P(a)(10) would be amended to add reference to Trading Halt Auctions by providing that ''Auction Collar'' would mean the price collar thresholds for the Indicative Match Price for the Core Open Auction, Trading Halt Auction, or Closing Auction.

The Exchange would further amend Rule 7.35P(a)(10)(A) to add the specified percentages for price collar thresholds for Trading Halt Auctions. Consistent with Rule 1.1(s)(B), the price collar thresholds for Trading Halt Auctions would be 10% for securities with a consolidated last sale price of $25.00 or less, 5% for securities with a consolidated last sale price greater than $25.00 but less than or equal to $50.00, and 3% for securities with a consolidated last sale price greater than $50.00. The Exchange proposes a non-substantive difference from Rule 1.1(s) to refer to the ''Auction Reference Price'' in Rule 7.35P instead of the last consolidated sale price. Rule 7.35P defines the term ''Auction Reference Price'' for the Trading Halt Auction to be the last consolidated round-lot price of that trading day, and if none, the prior trading day's Official Closing Price. Because the Rule 7.35P Auction Reference Price for Trading Halt Auctions is based on the same reference price for Trading Halt Auctions as specified in Rule 1.1(s)(B), the Exchange proposes in Rule 7.35P to reference the term ''Auction Reference Price'' rather than refer to the last consolidated sale price.

Finally, as with Rule 1.1(s), the Exchange proposes that the price collar thresholds for Trading Halt Auctions would be in effect temporarily. Because the Rule 1.1(s)(B) Trading Halt Auction collars will be in effect until July 28, 2016, the Exchange proposes that the price collar thresholds specified in Rule 7.35P(a)(10)(A) applicable to Trading Halt Auctions would similarly be in effect until July 28, 2016.

As the Exchange noted in the Trading Halt Auction Collar Filing, the Exchange is continuing its analysis to identify what changes, if any, would be appropriate for how the Exchange conducts its Trading Halt Auctions and, based on this analysis, will file a separate rule proposal to either make the price collar thresholds for Trading Halt Auctions permanent or propose other or additional changes to the re-opening auction process.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster

[55] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release Nos. 74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (Notice) and 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (Order) (SR–NYSEArca–2015–38) (''Pillar I Filing''); 75497 (July 21, 2015), 80 FR 45022 (July 28, 2015) (Notice) and 76267 (Oct. 26, 2015), 80 FR 66951 (Oct. 30, 2015) (Order) (SR–NYSEArca–2015–56)(''Pillar II Filing''); 75467 (July 16, 2015), 80 FR 43515 (July 22, 2015) (Notice) and 76198 (Oct. 20, 2015), 80 FR 65274 (Oct. 26, 2015) (Order) (SR–NYSEArca–2015–58) (''Pillar III Filing''); and 76085 (Oct. 6, 2015), 80 FR 61513 (Oct. 13, 2015) (Notice) and 76869 (Jan. 11, 2016), 81 FR 2276 (Jan. 15, 2016) (Order) (SR–NYSEArca–2015–86) (''Pillar Auction Filing'').

[5] *See* Pillar Auction Filing.

[6] *See* Securities Exchange Act Release No. 76994 (Jan. 28, 2016) (SR–NYSEArca–2015–121) (Approval Order) (''Trading Halt Auction Collar Filing''). Rule 1.1(s)(B) will be in effect until July 28, 2016.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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.

The Exchange recently amended Rule 1.1(s) to provide price collar thresholds for Trading Halt Auctions on a temporary basis. However, the Exchange will be migrating symbols to its Pillar trading platform and Rule 1.1(s) will no longer govern auctions on the Exchange once a symbol trades on Pillar. The Exchange therefore believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to provide that the rule that governs auctions on the Exchange on Pillar be amended to reflect recently approved changes to Rule 1.1(s)(B). The Exchange further believes the proposed price collar thresholds for Trading Halt Auctions, which would be based on the numerical guidelines set forth in Rule 7.10(c)(1) and Rule 1.1(s)(B), would also remove impediments to and perfect the mechanism of a fair and orderly market and protect investors and the public interest because they would reduce the potential for a Trading Halt Auction to be a clearly erroneous execution on Pillar.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to provide for a price protection mechanism to prevent Trading Halt Auctions from occurring at prices that could be a clearly erroneous execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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[9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] 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 the proposal may become operative immediately upon filing. The Exchange stated that it anticipates beginning the migration of symbols to Pillar on February 22, 2016 and therefore there would be symbols trading on the Exchange that will no longer be governed by Rule 7.35 or 1.1(s) in less than 30 days. The Exchange stated that waiver of the operative delay would allow the Exchange to immediately implement the approved changes to Rule 1.1(s)(B) on its Pillar trading platform without delay. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall 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–NYSEArca–2016–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–27, and should be submitted on or before March 14, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03523 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 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.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 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).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Rule 19d–1, SEC File No. 270–242, OMB Control No. 3235–0206.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 19d–1 (17 CFR 240.19d–1) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget) (''OMB'') for extension and approval.

Rule 19d–1 prescribes the form and content of notices to be filed with the Commission by self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency concerning the following final SRO actions: (1) Disciplinary actions with respect to any person; (2) denial, bar, prohibition, or limitation of membership, participation or association with a member or of access to services offered by an SRO or member thereof; (3) summarily suspending a member, participant, or person associated with a member, or summarily limiting or prohibiting any persons with respect to access to or services offered by the SRO or a member thereof; and (4) delisting a security.

The Rule enables the Commission to obtain reports from the SROs containing information regarding SRO determinations to delist a security, discipline members or associated persons of members, deny membership or participation or association with a member, and similar adjudicated findings. The Rule requires that such actions be promptly reported to the Commission. The Rule also requires that the reports and notices supply sufficient information regarding the background, factual basis and issues involved in the proceeding to enable the Commission: (1) To determine whether the matter should be called up for review on the Commission's own motion; and (2) to ascertain generally whether the SRO has adequately carried out its responsibilities under the Exchange Act.

It is estimated that approximately eighteen respondents will utilize this application procedure annually, with a total burden of approximately 2,250 hours, based upon past submissions. This figure is based on eighteen respondents, spending approximately 125 hours each per year. It is estimated that each respondent will submit approximately 250 responses. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–1 for each submission is 0.5 hours. The average cost per hour, per each submission is approximately $101. Therefore, it is estimated that the internal labor cost of compliance for all respondents is approximately $227,250 (18 respondents × 250 responses per respondent × 0.5 hours per response × $101 per hour).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela C. Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: PRA_*Mailbox@sec.gov.*

Dated: February 16, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–03517 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77143; File No. SR–Phlx–2016–09]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Policy for Amending Billing Information and a Research Fee

February 16, 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 3, 2016, NASDAQ PHLX LLC (''Phlx'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 adopt a new policy entitled, ''Policy for Amending Billing Information.'' The Exchange also proposes to adopt a Research Fee.

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.

[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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a ''Policy for Amending Billing Information'' and a Research Fee. The Exchange also proposes some minor amendments to clarify the Pricing Schedule. Each of these changes will be discussed in more detail below. Adopting a policy regarding amending billing information will clarify how the Exchange will treat such corrections. The Research Fee is intended to relieve the Exchange of administrative burdens associated with handling errors on the part of members and member organizations (hereinafter ''member(s)'') for proper billing with respect to strategy transactions.

Policy for Amending Billing Information

The Exchange proposes to adopt a Policy for Amending Billing Information which would apply to corrections submitted to the Exchange after trade date and prior to the issuance of an invoice. These corrections are errors on the part of members with respect to executed orders that impact billing. These errors are not Exchange errors as no billing has occurred at this time for the transactions at issue.[3] The Exchange notes that members may correct certain trade information on trade date, but not after the trade date without Exchange intervention. For example, today a member is required to mark transactions related to strategy trades [4] by identifying the specific strategy. Members may need to correct a marking related to a strategy trade by amending the type of identified transactions or adding a missed marking throughout the trading day. Once the trade date passes, Exchange staff would need to be notified of such errors for billing purposes.[5] Also, once an invoice is issued, the Exchange's Billing Dispute Policy [6] is effective.

The Exchange proposes to require members to submit corrections impacting billing to the Exchange, in writing, and accompanied by supporting documentation. The Exchange believes that requiring members to support their corrections to the billing information is important to validate trades for billing purposes. Further, the Exchange proposes to require that only members may submit information related to billing corrections. This policy will eliminate the need for the Exchange to deal with Customers directly. Members are responsible for all trades submitted to the Exchange and should be responsible for handling related billing information corrections such as marking strategy transactions. The Exchange also proposes to clarify at this time that only members may submit billing disputes. The Exchange proposes to add this language to the rule text for clarity and to hold members responsible for also handling billing disputes.

The Exchange's adoption of this Policy for Amending Billing Information will also amend a prior policy related to strategy transactions. Today, the Exchange requires members to designate on the trade ticket whether the trade involves a dividend,[7] merger,[8] short stock interest,[9] reversal or conversion,[10] jelly roll [11] or box spread [12] strategy by inserting a code on the trade ticket [13] or requesting Exchange staff on the trading floor to input the code into the trading system.[14] This marking must occur on the day the order was entered to receive the benefit of any trading cap [15] for which they may qualify.[16] This proposed policy will enable members to make corrections after the trade date and still qualify for the strategy fee cap. The Exchange's proposed Policy for Amending Billing Information does not impact the Exchange's Regulatory group's actions with respect to the proper marking of trades. Members must comply with Exchange rules in properly marking their trades and may be subject to disciplinary action in the event they fail to comply with Exchange Rules.

The Exchange believes that the Policy for Amending Billing Information will promote consistency in the treatment of all corrections submitted to the Exchange.

Research Fee

The Exchange proposes to adopt a Research Fee of $1,000 applicable to members submitting corrections applicable to strategy transactions. The Exchange would assess this fee for each transaction correction presented to the Exchange. Assessing a fee to members to correct errors related to the marking of strategy trades caused by the member will relieve the administrative burden on the Exchange associated with reviewing and validating these trade corrections. Correcting mismarked strategy transactions requires Exchange personnel to review errors and make adjustments to its billing processes to ensure the corrected trade is properly

[3] The Exchange bills one month in arrears.

[4] The Exchange permits dividend, merger, short stock interest, reversal or conversion, jelly roll or box spread strategies on the Exchange.

[5] Members may correct certain information at The Options Clearing Corporation (''OCC''). The Exchange is able to capture corrected information such as capacity changes for billing purposes through OCC records. The type of information that would need to be corrected at the Exchange by submitting a trade correction for billing purposes includes marking trades for strategy transactions, contra party information, account information or CMTA changes.

[6] The Exchange's billing dispute policy provides that all disputes must be submitted to the Exchange in writing and must be accompanied by supporting documentation. All disputes must be submitted no later than sixty (60) days after receipt of a billing invoice, except for disputes concerning NASDAQ OMX PSX fees, proprietary data feed fees and co-location service fees. After sixty calendar days, all fees assessed by the Exchange are final.

[7] A dividend strategy is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed the first business day prior to the date on which the underlying stock goes ex-dividend.

[8] A merger strategy is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, executed the first business day prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.,* cash or stock.

[9] A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class.

[10] Reversal and conversion strategies are transactions that employ calls and puts of the same strike price and the underlying stock. Reversals are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration.

[11] A jelly roll strategy is defined as transactions created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but with a different expiration from the first position.

[12] A box spread strategy is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.

[13] The Exchange has designated ''Z1'' for dividend strategies, ''Z2'' for short stock interest and merger strategies, ''Z3'' for box spread strategies and ''Z4'' for reversal and conversion and jelly roll strategies.

[14] The Exchange's trading system on the trading floor is the Floor Broker Management System or FBMS.

[15] The Exchange offers members certain strategy caps at Section II of the Pricing Schedule. The buy and sell side of a transaction must originate from the Exchange floor to qualify for these caps. Also, reversal and conversion, jelly roll and box spread strategy executions are not included in the Monthly Strategy Cap for a Firm. Reversal and conversion, jelly roll and box spread strategy executions are included in the Monthly Firm Fee Cap. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions will be excluded from the Monthly Market Maker Cap. Firms are subject to a maximum fee of $75,000 (''Monthly Firm Fee Cap'').

[16] *See* Securities Exchange Act Release No. 70850 (November 12, 2013), 78 FR 69164 (November 18, 2013) (SR–Phlx–2013–109) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Box Spread Strategies).

processed for billing. The Exchange believes that assessing a fee will promote increased accuracy in executing strategy transactions and proper marking of those trades among members who may wish to avoid the correction fee. The integrity of the audit trail is important to the Exchange and the fee will continue to reinforce the need to ensure that strategy trades are properly marked. The Research Fee will also compensate the Exchange for administrative resources utilized to research fees and promote accuracy for strategy transaction corrections.

Other Amendments

The Exchange proposes to remove a historical date from the Billing Dispute policy as the origination date of the policy is no longer relevant. The Exchange also proposes to amend the Table of Contents to properly reflect sections which have been revised in the Pricing Schedule. Finally, the Exchange proposes to add the letter ''D'' before the Remote Specialist Fee to identify that section in the Table of Contents.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [17] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act [18] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further addresses its adoption of a Policy for Amending Billing Information and Research Fee below.

Policy for Amending Billing Information

The Exchange's proposal to adopt a Policy for Amending Billing Information is reasonable because the corrections are related to member errors that are not yet ripe for treatment pursuant to the Billing Dispute Policy. This proposal will enable the Exchange to apply the proper pricing to each transaction in the event of an error. The Exchange believes that the Policy for Amending Billing Information will promote consistency in the treatment of all corrections submitted to the Exchange. Requiring members to support their corrections with documentation is reasonable to maintain the integrity of executed transactions on the Exchange by verifying that each trade should be corrected for billing purposes.

The Exchange's amendment to corrections related to strategy transactions is reasonable because the Exchange will price all qualifying strategy transactions uniformly according to the Pricing Schedule, regardless of whether an error occurred when the trade was initially submitted, provided the member submits a trade correction. The Exchange will validate all trade corrections and apply the appropriate fees, rebates and caps to the transaction. All members will be able to qualify for the strategy cap even in the event of an error. Members remain responsible to comply with Exchange rules and properly mark their trades or be subject to disciplinary action in the event they fail to comply with Exchange Rules. Also, the proposed Research Fee should continue to promote the consistent marking of strategy trades.

The Exchange's proposal to adopt a Policy for Amending Billing Information is equitable and not unfairly discriminatory because it will uniformly apply to all members. All members will be required to support their corrections with documentation. The Exchange's amendment to corrections related to strategy transactions is equitable and not unfairly discriminatory because the Exchange's Policy for Amending Billing Information will uniformly apply to all members submitting corrections for strategy transactions. All strategy transactions will be uniformly assessed the pricing in the Pricing Schedule for all qualifying strategy transactions, regardless of whether an error occurred when the trade was initially submitted, provided the member submits a correction. All members will be able to qualify for the strategy cap even in the event of an error.

The Exchange's proposal to require members to submit corrections and billing disputes is reasonable because members should be responsible for all trades submitted to the Exchange and handling related corrections. The Exchange provides members with both daily and monthly fee reports in an effort to keep members apprised of executions and associated pricing. This practice also is intended to encourage members to review transactions so errors can be promptly identified. Errors identified prior to the invoice may be corrected pursuant to the Policy for Amending Billing Information. The Exchange's proposal to require members to submit corrections and billing disputes is equitable and not unfairly discriminatory because the Exchange has privity with its members and those members will uniformly be held responsible for all trades submitted to the Exchange and the handling of related corrections and billing disputes.

Research Fee

The Exchange's proposal to adopt a Research Fee of $1,000 applicable to member submitting corrections related to strategy transactions is reasonable because the Exchange expends resources to review a correction submitted by members and believes this fee will compensate the Exchange. For example, Exchange staff validates the corrections to ensure the accuracy of the correction as it relates to a specific strategy and reviews its internal billing to correct its records to properly bill the corrected transaction. The Exchange believes that assessing a Research Fee will also promote proper marking of strategy transactions. The Exchange believes that it is reasonable to only assess a Research Fee related to strategy transactions because these types of marking errors require Exchange staff intervention. Other types of marking errors may be handled at OCC. The Exchange believes assessing a Research Fee in the amount of $1,000 is reasonable because the Exchange believes that the fee level is appropriate given the amount of Exchange resources expended to correct the error. Further the fee is not egregious and similar fee levels are assessed by the Exchange for failures to mark certain transactions.[19]

The Exchange's proposal to adopt a Research Fee of $1,000 applicable to members submitting corrections related to strategy transactions is equitable and not unfairly discriminatory because the Exchange will uniformly assess this fee to all members submitting corrections related to strategy transactions. The Exchange believes that it is equitable and not unfairly discriminatory to only assess a Research Fee related to strategy transactions because the Exchange must intervene to correct the billing of these types of transactions when the member fails to mark a strategy transaction. Other types of information may be corrected at OCC and Exchange intervention is not required. The Exchange proposes this fee to recoup administrative costs associated with validating all trade corrections and applying the appropriate fees, rebates and caps to the transaction. The Exchange does not have the same administrative burdens with other types of corrections required by members with respect to executed transactions. The

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

[19] *See* Options Floor Procedure Advices and Order & Decorum Regulations in Section F. These fines range from $250 to $2,500. *See* F–1, F–2 and F–4.

Exchange believes assessing a Research Fee in the amount of $1,000 is equitable and not unfairly discriminatory because the Exchange would uniformly assess this fee to all members with strategy transaction corrections and this fee would serve to recoup the Exchange for the administrative time related to these corrections.

Other Amendments

The Exchange's proposal to remove a historical date from the Billing Dispute policy, amend the Table of Contents to properly reflect sections, which have been revised, and add the letter ''D'' before the Remote Specialist Fee is reasonable, equitable and not unfairly discriminatory because the Exchange believes that removing unnecessary language, reflecting current sections and identifying sections in the Pricing Schedule brings clarity to Exchange's pricing and benefits market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the adoption of a Policy for Amending Billing Information does not impose an undue burden on inter-market competition because the Exchange believes that other Exchanges have policies related to trade corrections. The Exchange believes that the adoption of a Research Fee does not impose an undue burden on inter-market competition because the purpose of the fee is to recover costs expended by the Exchange to review corrections related to strategy transactions.

Policy for Amending Billing Information

The Exchange's proposal to adopt a Policy for Amending Billing Information, which would apply to billing corrections submitted to the Exchange after trade date and prior to the issuance of an invoice, does not impose an undue burden on intra-market competition because the policy will uniformly apply to all members. All members will be required to support their trade corrections by providing documentation. Only members will be permitted to submit corrections and billing disputes.

The Exchange's amendment to the Policy for Amending Billing Information related to strategy transactions does not impose an undue burden on intra-market competition because all members will be able to submit errors related to strategy transactions for correction. All members will be able to qualify for the strategy cap even in the event of an error. These members will be assessed a Research Fee. The Exchange's proposal to require members to submit corrections and billing disputes does not impose an undue burden on intra-market competition because members have privity with the Exchange and those members will uniformly be held responsible for all trades submitted to the Exchange and the handling of related corrections and billing disputes.

Research Fee

The Exchange's proposal to adopt a Research Fee of $1,000 applicable to members submitting corrections related to strategy transactions does not impose an undue burden on intra-market competition because the purpose of the fee is to recoup costs associated with expending Exchange resources to review corrections submitted by members who inadvertently mismark or neglect to mark a strategy transaction. The Exchange will uniformly assess this fee to all members submitting strategy transaction corrections.

The Exchange's proposal to only assess a Research Fee related to strategy transactions does not impose an undue burden on intra-market competition because the Exchange must intervene to correct the billing of these types of transactions when the member fails to mark a strategy transaction. Other types of information may be corrected at OCC and Exchange intervention is not required. The Exchange's proposal to assess a Research Fee in the amount of $1,000 does not impose an undue burden on intra-market competition because the Exchange would uniformly assess this fee to all members with strategy transaction corrections and this fee would serve to recoup the Exchange for the administrative time related to these corrections.

Other Amendments

The Exchange's proposal to remove a historical date from the Billing Dispute policy, amend the Table of Contents to properly reflect sections, which have been revised, and add the letter ''D'' before the Remote Specialist Fee does not impose an undue burden on intra-market competition because the proposed changes are non-substantive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2016–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2016–09. 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.,

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2016–09, and should be submitted on or before March 14, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Brent J. Fields,

Secretary.

[FR Doc. 2016–03526 Filed 2–19–16; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Fiscal Year 2014–2015 Public Transportation on Indian Reservations Program Project Selections

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Tribal Transit Program Announcement of Project Selections.

SUMMARY: The Federal Transit Administration (FTA) announces the selection of projects with Fiscal Year (FY) 2014 and FY 2015 appropriations for the Public Transportation on Indian Reservations Program Tribal Transit Program (TTP), as authorized by Section 5311 (j) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–14 (July 2012). On December 9, 2014 FTA published a **Federal Register** Notice (79 FR 236) announcing the availability of Federal funding for the program. MAP–21 authorized approximately $5 million annually for federally recognized Indian Tribes or Alaska Native villages, groups, or communities as identified by the Bureau of Indian Affairs (BIA) in the U.S. Department of the Interior for public transportation. FTA is allocating a total of approximately $10 million to selected projects in this notice since we are including FY 2015 funding described in the December 2014 Notice of Funding Availability (NOFA). The TTP supports many types of projects including: Operating costs to enable tribes to start or continue transit services; capital to enable tribal investment in new or replacement equipment; and funding for tribal transit planning activities for public transportation services on and around Indian reservations. TTP services link tribal citizens to employment, food, healthcare, school, social services, recreation/leisure, and other key community connections. FTA funds may only be used for eligible purposes defined under 49 U.S.C 5311 and described in the FTA Circular 9040.1G and consistent with the specific eligibility and priorities established in the December 2014 NOFA.

FOR FURTHER INFORMATION CONTACT: Successful applicants should contact the appropriate FTA Regional office for information regarding applying for the funds or program-specific information. A list of Regional offices, along with a list of tribal liaisons can be found at *www.fta.dot.gov.* Unsuccessful applicants may contact Élan Flippin, Office of Program Management at (202) 366–3800, email: *Elan.Flippin@dot.gov* to arrange a proposal debriefing within 30 days of this announcement. In the event the contact information provided by your tribe in the application has changed, please contact your regional tribal liaison with the current information in order to expedite the grant award process. A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION: Approximately $10 million is available for FY 2014 and FY 2015 under the TTP. A total of 79 applications were received from 64 tribes in 20 states requesting $19.5 million, indicating significant demand for funds for public transportation projects. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria outlined in FTA's December 2014 NOFA. The FTA also took into consideration the current status of previously funded applicants. This included evaluating available prior year discretionary and formula balances; geographic balance and diversity, including regional balance based on tribal population; and support of the Ladders of Opportunity initiative. As a result, FTA is funding a total of 65 projects for 55 tribes in 18 states. The projects selected in Table 1 provide funding for transit planning studies, capital and operating requests for existing, start-up expansion and replacement services. Funds must be used only for the specific purposes identified in Table 1. Allocations may be less than what the applicant requested and were capped at $300,000 to provide funding to all highly recommended and recommended proposals, however, planning projects were capped at $25,000. Recommended projects received the scalable amount provided by the applicant. Operating assistance for existing services was funded at one year. Tribes selected for competitive discretionary funding should work with their FTA regional office to finalize the grant application in FTA's Transit Award Management System (TrAMs) for the projects identified in the attached table to quickly obligate funds. In cases where the allocation amount is less than the proposer's requested amount, tribes should work with the regional office to ensure the funds are obligated for eligible aspects of the projects, and for the specific purpose intended as reflected in Table 1. A discretionary project identification number has been assigned to each project for tracking purposes, and must be used in the TrAMs application. For more information about TrAMs, please visit *http://www.fta.dot.gov/16260_15769.html.* The post award reporting requirements include submission of the Federal Financial Report (FFR) and Milestone Progress Report in TrAMs, and National Transit Database (NTD) reporting as appropriate (see FTA Circular 9040.1G).

Tribes must continue to report to the NTD to be eligible for formula apportionment funds. To be considered in the FY 2016 formula apportionments, tribes should have submitted their reports to the NTD no later than August 31, 2015; voluntary reporting to the NTD is also encouraged. Additionally, to be considered for the FY 2017 formula apportionment funds, tribes need to submit their reports to the NTD no later than June 30, 2016. For tribes who have not reported before, please contact the NTD Operations Center in advance to get a reporting account for the NTD on-line data collection system. The Operation Center can be reached Monday–Friday, 8:00 a.m.–7:00 p.m. (ET), by email *NTDHelp@dot.gov* or by phone 1–888–252–0936. Tribes must comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal requirements in carrying out the project supported by the FTA grant. To assist tribes with understanding these requirements, FTA has conducted approximately nine Tribal Transit Technical Assistance Workshops, and expects to offer several workshops in FY 2016. FTA has also expanded its technical assistance to tribes receiving funds under this program. In FY15, FTA implemented the Tribal Transit

[21] 17 CFR 200.30–3(a)(12).

Technical Assistance Assessments initiative. Through these assessments, FTA collaborates with tribal transit leaders to review processes and identify areas in need of improvement and then assist with solutions to address these needs. FTA completed fifteen assessments in FY15, and expects to do a similar number in FY16. These assessments include discussions of compliance areas pursuant to the Master Agreement, a site visit, promising practices reviews, and technical assistance from FTA and its contractors. These workshops and assessments have received exemplary feedback From Tribal Transit Leaders, and have provided FTA with invaluable opportunities to learn more about Tribal transit leaders' perspectives, and honor the sovereignty of tribal nations. FTA will post information about upcoming workshops to its Web site and disseminate information about the reviews through its Regional offices. A list of Tribal Liaisons can be found on FTA's Web site at *http://www.fta.dot.gov/13094_15845.html.*

Funds allocated in this announcement must be obligated in a grant by September 30, 2018. Tribes selected for competitive discretionary funding should work with their FTA regional tribal liaison to finalize the grant application in FTA's TrAMs. FTA plans to publish a notice of funding availability NOFA soliciting proposals for FY 2016 discretionary funds in the coming months.

The NOFA will establish and outline specific eligibility for funding.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2016–03539 Filed 2–19–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Announcement of Charter Renewal of the Transit Advisory Committee for Safety (TRACS)

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of charter renewal.

SUMMARY: The Federal Transit Administration (FTA) announces the charter renewal of the Transit Advisory Committee for Safety (TRACS). TRACS is a Federal Advisory Committee established by the U.S. Secretary of Transportation (the Secretary) in accordance with the Federal Advisory Committee Act to provide information, advice, and recommendations to the Secretary and the Federal Transit Administrator on matters relating to the safety of public transportation systems. This charter will be effective for two years from the date it is filed with Congress.

FOR FURTHER INFORMATION CONTACT: Thomas Littleton, TRACS Designated Federal Officer, Associate Administrator, FTA Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–9239; or Bridget Zamperini, FTA Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE., 4th Floor, East (E45–310), Washington, DC 20590, (202) 366–0306.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2). As noted above, TRACS is a Federal Advisory Committee established to provide information, advice, and recommendations to the Secretary and the Administrator of the Federal Transit Administration on matters relating to the safety of public transportation systems. Please see the TRACS Web site for additional information at *http://www.fta.dot.gov/about/13099.html.*

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2016–03538 Filed 2–19–16; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Two Individuals Pursuant to Executive Order 13581, ''Blocking Property of Transnational Criminal Organizations''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the name of two individuals whose property and interests in property are blocked pursuant to Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: The designations by the Acting Director of OFAC, pursuant to Executive Order 13581, of the two individuals identified in this notice were effective on February 16, 2015.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is available via facsimile through a 24-hour fax-on-demand service, tel.: 202–622–0077.

Background

On July 24, 2011, the President issued Executive Order 13581, ''Blocking Property of Transnational Criminal Organizations'' (the ''Order''), pursuant to, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701–06). The Order was effective at 12:01 a.m. eastern daylight time on July 25, 2011. In the Order, the President declared a national emergency to deal with the threat that significant transnational criminal organizations pose to the national security, foreign policy, and economy of the United States.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, of persons listed in the Annex to the Order and of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to satisfy certain criteria set forth in the Order.

On February 16, 2016, the Acting Director of OFAC, in consultation with the Attorney General and the Secretary of State, designated, pursuant to one or more of the criteria set forth in subparagraphs (a)(ii)(A) through (a)(ii)(C) of Section 1 of the Order, two individuals whose property and interests in property are blocked pursuant to the Order.

The listings for these individuals on OFAC's List of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. ROBERTO ORELLANA, Jose (Latin: ROBERTO ORELLANA, José) (a.k.a. ''CHIBOLA''; a.k.a. ''GORDO MAX''; a.k.a. ''TIO SAM'' (Latin: TÍO SAM); a.k.a. ''TOLOLO''), Canton Cambio Chanmico,

Calle Vieja, Casa #66, San Juan Opico, La Libertad, El Salvador; DOB 29 Jun 1973; Identification Number 011319137–3 (El Salvador) (individual) [TCO] (Linked To: MS–13).

2. ROMERO GARCIA, Dany Balmore (Latin: ROMERO GARCÍA, Dany Balmore) (a.k.a. ''BIG BOY''; a.k.a. ''D–BOY''), Pje. 6, Casa 11, Soyapango, San Salvador, El Salvador; DOB 26 Apr 1974; Identification Number 04237453–4 (El Salvador) (individual) [TCO] (Linked To: MS–13).

Dated: February 16, 2016.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2016–03506 Filed 2–19–16; 8:45 am]

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