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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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2963; Directorate Identifier 2015–NM–016–AD; Amendment 39–18434; AD 2016–06–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A319–131, –132, and –133 airplanes; Model A320–232 and –233 airplanes; and Model A321–131, –231, and –232 airplanes. This AD was prompted by reports of forward engine mount attachment pins that were manufactured from discrepant raw material. This AD requires identification and replacement of affected forward engine mount attachment pins. We are issuing this AD to prevent failure of a forward engine mount attachment pin, possible loss of an engine in-flight, and consequent reduced controllability of the airplane.

DATES: This AD becomes effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 22, 2016.

ADDRESSES: For Airbus service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

For Goodrich Aerostructures service information identified in this final rule, contact UTC Aerospace Systems, ATTN: Christopher Newth—V2500 A1/A5 Project Engineer, Aftermarket—Aerostructures; 850 Lagoon Drive, Chula Vista, CA; telephone 619–498–7505; email *christopher.newth@utas.utc.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–2015–2963.

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–2015–2963; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A319–131, –132, and –133 airplanes; Model A320–232 and –233 airplanes; and Model A321–131, –231, and –232 airplanes. The NPRM published in the **Federal Register** on July 30, 2015 (80 FR 45462) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0004, dated January 13, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A319–131, –132, and –133 airplanes; Model A320–232 and –233 airplanes; and Model A321–131, –231, and –232 airplanes. The MCAI states:

> A number of forward engine mount pins, Part Number (P/N) 740–2022–501, intended for IAE V2500 series engines, have been reported as non-compliant with the current certification requirements, due to a quality issue during manufacturing of the raw material. It was also determined that a batch of 88 affected pins are installed on in-service aeroplanes fitted with forward engine mount P/N 745–2010–503 and the serial numbers (s/n) of the affected pins and the [manufacturer serial number] MSN of the related aeroplanes have been identified.
>
> This condition, if not corrected, could lead to forward engine mount pin failure, possibly resulting in in-flight loss of an engine and consequent reduced control of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires identification of the affected forward engine mount pins and removal from service [replacement] of those pins.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2963.

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.

Request To Clarify Which Attachment Pin Part Numbers May Be Installed

United Airlines (UAL) requested that paragraph (h) of the proposed AD be re-written to clarify which attachment pin part numbers can be used as replacement parts.

We partially agree with the commenter's request. We agree to provide clarification but we do not agree to revise paragraph (h) of this AD. Paragraph (h) of this AD states to replace with a serviceable part having a part number other than part number (P/N) 740–2022–501, and having a serial number that is not identified in figure 1 to paragraphs (h) and (j) of this AD. In other words, the replacement part cannot have a combination of P/N 740–2022–501 and any serial number that is

included in figure 1 to paragraphs (h) and (j) of this AD. We have not changed this AD in this regard.

Request To Clarify Which Airplanes Are Not Affected by the Requirements Proposed in the NPRM

JetBlue requested clarification of the intent of paragraph (i) of the proposed AD. JetBlue asserted that the way this paragraph is written it contradicts the requirements in EASA AD 2015–0004, dated January 13, 2015, and the intent of the inspection in paragraph (h) of the proposed AD.

We agree with the commenter's request to clarify the intent of paragraph (i) of this AD. Airplanes with manufacturer serial numbers not identified in figure 2 to paragraph (i) of this AD that have not had an engine replaced after March 1, 2011, are not required to do the actions mandated by paragraphs (g) and (h) of this AD, which corresponds to paragraph (2) of the MCAI AD. In paragraph (i) of the proposed AD we inadvertently specified ''airplanes with manufacturer serial numbers identified in figure 2 to paragraph (i) of this AD.'' We have changed paragraph (i) of this AD to specify ''airplanes with manufacturer serial numbers not identified in figure 2 to paragraph (i) of this AD.''

Request To Extend the Compliance Time

UAL requested that the compliance times in paragraph (g) of the proposed AD be extended. UAL stated that this would keep costs down and ''make engine removal the most likely time the inspection would occur.'' UAL also asserted that the safety concern is overstated based on information in the Goodrich Aerostructures service information. The ''Background'' paragraph of the Goodrich Aerostructures service information states that ''a minor metallurgical discontinuity'' was found on some forward engine mount crossbeam to main beam attach pins (P/N 740–2022–501). UAL stated that a minor metallurgical issue should not drive a significant safety concern.

We do not agree with the commenter's request to extend the compliance time. Even a ''minor metallurgical discontinuity'' can result in a safety concern. Forward engine mount attachment pins that were manufactured from discrepant raw material can lead to the failure of a forward engine mount attachment pin; this condition could result in possible loss of an engine in-flight and consequent reduced controllability of the airplane.

After considering all of the available information, we have determined that the compliance time, as proposed, represents an appropriate interval of time in which the required actions can be performed in a timely manner with the affected fleet, while still maintaining an adequate level of safety. In developing an appropriate compliance time, we considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the replacement. However, under the provisions of paragraph (m)(1) of this AD, we may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Revise the Estimated Costs of Compliance

UAL requested that the estimated costs of compliance in the NPRM be increased from $156,740 to $313,480. UAL also requested that the costs for opening and closing the reversers be mentioned as costs that cannot be calculated. Furthermore, UAL stated that based on the proposed compliance times in paragraph (g) of the proposed AD and the size of the UAL fleet, the proposed requirements would have to be scheduled independently from its maintenance schedule.

We agree with the commenter's request to increase the estimated costs for compliance with the requirements of this AD. We note that these are only estimated costs and may vary based on an airplane's configuration. We also acknowledge that the costs for opening and closing the reversers are not known and are not included in the ''Costs of Compliance'' paragraph of this AD. However, as specified in the service information, the inspection takes approximately 4 work-hours, with an estimated cost of $313,480 for U.S. operators. We have changed the ''Costs of Compliance'' paragraph of this AD accordingly.

Request To Refer to Current Service Information

JetBlue Airways (JetBlue) requested that the NPRM be revised to refer to Airbus Service Bulletin A320–71–1064, Revision 01, dated April 1, 2015; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015. JetBlue noted that the service information for both Airbus and Goodrich Aerostructures had been revised since the NPRM was published.

We agree with the commenter's request and have revised the ''Related Service Information under 1 CFR part 51'' section and paragraphs (g) and (h) of this AD to refer to Airbus Service Bulletin A320–71–1064, Revision 01, dated April 1, 2015; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015. We have also added new paragraph (l) to this AD to give credit for actions done using Airbus Service Bulletin A320–71–1064, dated November 5, 2014; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, dated September 18, 2014. We redesignated subsequent paragraphs accordingly.

Request To Allow Use of Airbus or Goodrich Aerostructures Service Information To Accomplish Required Actions

JetBlue requested that paragraph (g) of the proposed AD be revised to allow operators to use either the Airbus service information or the Goodrich Aerostructures service information to do the actions required by that paragraph. JetBlue stated that if the engine is being inspected at the shop, the actions in the Airbus service information would not be accomplished because the Airbus service information addresses inspections of the wing. JetBlue also stated this revision would correspond with the requirements in corresponding EASA AD 2015–0004, dated January 13, 2015.

We do not agree with the commenter's request to allow operators to have the option of doing the actions required by paragraph (g) of this AD in accordance with either the Accomplishment Instructions of the Airbus service information or the Goodrich Aerostructures service information. The Airbus service information includes steps that are considered ''required for compliance'' (RC) and those steps are not included in the Goodrich Aerostructures service information. In addition, Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015, does not distinguish between ''RC'' and non-''RC'' steps and refers to the Airbus service bulletin for incorporation of several steps. Therefore, regardless of whether the AD requirements are accomplished ''on wing'' or ''in shop,'' operators must use a combination of Airbus and Goodrich Aerostructures service information for accomplishing the AD requirements. We have not changed this AD regarding this issue.

Conclusion

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

Airbus has issued Service Bulletin A320–71–1064, Revision 01, dated April 1, 2015; and Goodrich Aerostructures has issued Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015. The service information describes procedures for an inspection to determine the serial number of the attachment pins for the forward engine mount crossbeam to main beam for each engine, and replacement of affected pins. 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 922 airplanes of U.S. registry.

We also estimate that it will take about 4 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $313,480, or $340 per product.

In addition, we estimate that any necessary follow-on actions will take about 4 work-hours and require parts costing $1,724, for a cost of $2,064 per attachment pin replacement. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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):

2016–06–03 Airbus: Amendment 39–18434. Docket No. FAA–2015–2963; Directorate Identifier 2015–NM–016–AD.

(a) Effective Date

This AD becomes effective April 22, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, all manufacturer serial numbers.

(1) Model A319–131, –132, and –133 airplanes.

(2) Model A320–232 and –233 airplanes.

(3) Model A321–131, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 71, Power Plant.

(e) Reason

This AD was prompted by reports of forward engine mount attachment pins that were manufactured from discrepant raw material. We are issuing this AD to prevent failure of a forward engine mount attachment pin, possible loss of an engine in-flight, and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Identification of Part Numbers for Forward Engine Mount and Attachment Pins

Except as provided by paragraph (i) of this AD, at the earliest of the times specified in paragraphs (g)(1) through (g)(4) of this AD: For each engine, identify the part number of the forward engine mount, and the part number and serial number of the attachment pin for that forward engine mount, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1064, Revision 01, dated April 1, 2015; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015. A review of airplane maintenance records is acceptable in lieu of this identification if the part number of the forward engine mount, and the part number and serial number of the attachment pin for that forward engine mount, can be conclusively determined from that review. If any part number of the forward engine mount, or part number or serial number of the attachment pins for the forward engine mount, cannot be identified: At the earliest of the times specified in paragraphs (g)(1) through (g)(4) of this AD, contact the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA), for identification information.

(1) Within 24 months after the effective date of this AD.

(2) At the next engine removal after the effective date of this AD.

(3) Within 7,500 flight hours after the effective date of this AD.

(4) Within 5,000 flight cycles after the effective date of this AD.

(h) Corrective Actions

If, during any identification required by paragraph (g) of this AD, a forward engine mount having part number (P/N) 745–2010–503 is found, and the attachment pin has P/N 740–2022–501 with any serial number that is included in figure 1 to paragraphs (h) and (j) of this AD: At the earliest of the times specified in paragraphs (g)(1) through (g)(4) of this AD, replace the affected attachment pin with a serviceable part having a part number other than P/N 740–2022–501, and having a serial number that is not identified in figure 1 to paragraphs (h) and (j) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1064, Revision 01, dated April 1, 2015; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015.

FIGURE 1 TO PARAGRAPHS (h) AND (j) OF THIS AD—PART NUMBERS AND SERIAL NUMBERS OF AFFECTED FORWARD ENGINE MOUNTS AND ATTACHMENT PINS

Serial Numbers	
Attachment Pin (P/N 740–2022–501)	Forward Engine Mount (P/N 745–2010–503)
1396SC	13665001
1391SC	13655001
1412SC	13689001
1402SC	13669001
1409SC	13683001
1416SC	13697001
1418SC	13701001
1417SC	13699001
1414SC	13693001
1415SC	13695001
1420SC	13705001
1421SC	13707001
1422SC	13709001
1436SC	13737001
1438SC	13741001
1452SC	13769001
1456SC	13777001
1397SC	13667001
1432SC	13729001
1405SC	13675001
1411SC	13687001
1389SC	13651001
1392SC	13657001
1382SC	13637001
1384SC	13641001
1407SC	13679001
1408SC	13681001
1395SC	13663001
1406SC	13677001
1383SC	13639001
1404SC	13673001
1393SC	13659001
1413SC	13691001
1386SC	13645001
1388SC	13649001
1390SC	13653001
1410SC	13685001
1423SC	13711001
1424SC	13713001
1403SC	13671001
1419SC	13703001
1385SC	13643001

FIGURE 1 TO PARAGRAPHS (h) AND (j) OF THIS AD—PART NUMBERS AND SERIAL NUMBERS OF AFFECTED FORWARD ENGINE MOUNTS AND ATTACHMENT PINS—Continued

Serial Numbers	
Attachment Pin (P/N 740–2022–501)	Forward Engine Mount (P/N 745–2010–503)
1387SC	13647001
1431SC	13727001
1433SC	13731001
1425SC	13715001
1428SC	13721001
1429SC	13723001
1430SC	13725001
1427SC	13719001
1434SC	13733001
1442SC	13749001
1394SC	13661001
1441SC	13747001
1426SC	13717001
1437SC	13739001
1439SC	13743001
1443SC	13751001
1448SC	13761001
1435SC	13735001
1440SC	13745001
1454SC	13773001
1455SC	13775001
1451SC	13767001
1453SC	13771001
1444SC	13753001
1450SC	13765001
1461SC	13787001
1469SC	13817001
1480SC	13839001
1481SC	13841001
1446SC	13757001
1449SC	13763001
1467SC	13813001
1445SC	13755001
1462SC	13789001
1464SC	13793001
1466SC	13811001
1470SC	13819001
1459SC	13783001
1463SC	13791001
1475SC	13829001
1458SC	13781001
1477SC	13833001
1474SC	13827001
1478SC	13835001
1479SC	13837001
1472SC	13823001

(i) Exception to Paragraph (g) of This AD

For airplanes with manufacturer serial numbers not identified in figure 2 to paragraph (i) of this AD: If it can be conclusively determined that an engine has not been replaced after March 1, 2011 (the date of manufacture of the first airplane with affected engine mounts), the airplane is not affected by the requirements of paragraphs (g) and (h) of this AD.

FIGURE 2 TO PARAGRAPH (i) OF THIS AD—AIRPLANE MANUFACTURER SERIAL NOS.

Airplane Manufacturer Serial Nos.
4593
4602
4620
4637
4638
4642
4643
4644
4660
4677
4690
4696
4700
4701
4703
4706
4707
4710
4716
4719
4725
4726
4731
4736
4737
4741
4746
4751
4752
4753
4754
4755
4757
4761
4762
4772
4773
4774
4775
4779
4782
4783
4784
4786
4788
4790
4791
4798
4804
4813

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane any engine mount attachment pin having P/N 740–2022–501 with a serial number identified in figure 1 to paragraphs (h) and (j) of this AD.

(k) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the

effective date of this AD using the service information specified in paragraphs (l)(1) and (l)(2) of this AD.

(1) Airbus Service Bulletin A320–71–1064, dated November 5, 2014, which is not incorporated by reference in this AD.

(2) Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, dated September 18, 2014, which is not incorporated by reference in this AD.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0004, dated January 13, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2963.

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

(3) Goodrich Aerostructures service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(4) and (o)(5) of this AD.

(o) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–71–1064, Revision 01, dated April 1, 2015.

(ii) Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, Revision 01, dated January 28, 2015.

(3) For Airbus service information identified in this AD, contact Airbus Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) For Goodrich Aerostructures service information identified in this AD, contact UTC Aerospace Systems, ATTN: Christopher Newth—V2500 A1/A5 Project Engineer, Aftermarket—Aerostructures; 850 Lagoon Drive, Chula Vista, CA; telephone 619–498–7505; email *christopher.newth@utas.utc.com.*

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

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

Issued in Renton, Washington, on March 7, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–05700 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2961; Directorate Identifier 2014–NM–145–AD; Amendment 39–18430; AD 2016–05–12]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–15–13, for certain The Boeing Company Model 747–100B SUD, 747–300, 747–400, and 747–400D series airplanes; and Model 747–200B series airplanes having a stretched upper deck. AD 2012–15–13 required inspections for cracking and discrepancies of certain fasteners; modification of the frame-to-tension-tie joints; repetitive post-modification inspections; related investigative and corrective actions if necessary; and repetitive inspections for cracking in the tension tie channels, and repair if necessary. For certain airplanes, AD 2012–15–13 also required an inspection to determine if the angle is installed correctly, and re-installation if necessary; and an inspection at the fastener locations where the tension tie previously attached to the frame prior to certain modifications, and repair if necessary. This new AD adds a new inspection for cracking in the tension tie channels and post-modification inspections of the modified tension ties for cracking, and repair if necessary. This AD was prompted by an evaluation indicated that the upper deck is subject to widespread fatigue damage (WFD). We are issuing this AD to prevent fatigue cracking of the tension ties, shear webs, and frames of the upper deck, which could result in rapid decompression and reduced structural integrity of the airplane.

DATES: This AD is effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of September 12, 2012 (77 FR 47267, August 8, 2012).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 28, 2007 (72 FR 65655, November 23, 2007).

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 *https://*

www.regulations.gov by searching for and locating Docket No. FAA–2015–2961.

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–2015–2961; 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: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–15–13, Amendment 39–17142 (77 FR 47267, August 8, 2012) (''AD 2012–15–13''). AD 2012–15–13 applied to certain The Boeing Company Model 747–100B SUD, 747–300, 747–400, and 747–400D series airplanes; and Model 747–200B series airplanes having a stretched upper deck. The NPRM published in the **Federal Register** on July 24, 2015 (80 FR 43974) (''the NPRM''). The NPRM was prompted by an evaluation that indicated that the upper deck is subject to WFD. The NPRM proposed to continue to require inspections for cracking and discrepancies of certain fasteners; modification of the frame-to-tension-tie joints; repetitive post-modification inspections; related investigative and corrective actions if necessary; and repetitive inspections for cracking in the tension tie channels, and repair if necessary. For certain airplanes, the NPRM also proposed to continue to require an inspection to determine if the angle is installed correctly, and re-installation if necessary; and an inspection at the fastener locations where the tension tie previously attached to the frame prior to certain modifications, and repair if necessary. The NPRM also proposed to add a new inspection for cracking in the tension tie channels and post-modification inspections of the modified tension ties for cracking, and repair if necessary. We are issuing this AD to prevent fatigue cracking of the tension ties, shear webs, and frames of the upper deck, which could result in rapid decompression and 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.

Support for the NPRM

United Airlines concurred with the contents of the NPRM.

Requests To Include Options To Perform Inspections in Revised Service Information

Boeing and United Parcel Service (UPS) asked that we add a new paragraph to the proposed AD that includes an option to perform the inspections specified in Boeing Alert Service Bulletin 747–53A2507, Revision 2, dated May 9, 2014. Boeing stated that these inspections are equivalent to the inspections done in accordance with Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010. UPS recommended that Boeing Alert Service Bulletin 747–53A2507, Revision 2, dated May 9, 2014, be added to paragraphs (g) through (o) of the proposed AD. UPS noted that, for clarity, the proposed AD should refer to the revised service information rather than relying on paragraph (t)(4) of the proposed AD, which allows alternative methods of compliance (AMOCs) previously approved for AD 2012–15–13 to be approved as AMOCs for the proposed AD.

We acknowledge the commenters' requests and note that we normally add reference to later revisions of service information in the restated paragraphs of supersedure ADs. However, in most cases, the later revisions do not include new compliance times and the procedures are closely aligned with those in the previous service information. Boeing Alert Service Bulletin 747–53A2507, Revision 2, dated May 9, 2014, adds alternative compliance times for certain airplanes and refers to different procedures in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2507, Revision 2, dated May 9, 2014, for accomplishing the actions required by AD 2012–15–13. Therefore, we cannot simply add a reference to paragraphs (g) through (o) of this AD as requested by the commenter. We have determined that, in this case, adding additional paragraphs to this AD to specify the alternative method of compliance, including new compliance times and procedures, is not necessary since Boeing Alert Service Bulletin 747–53A2507, Revision 2, dated May 9, 2014, was already approved as an AMOC to AD 2012–15–13. As stated by the commenter, paragraph (t)(4) of this AD already allows the use of previous AMOCs, such as Boeing Alert Service Bulletin 747–53A2507, Revision 2, dated May 9, 2014, as AMOCs for the corresponding provisions of this AD. We have made no change to this AD in this regard.

Request To Include an Alternative Compliance Time for the Modification

Boeing and UPS asked that we add a new paragraph to allow an alternative compliance time for airplanes on which the station (STA) 1120, 1160, 1200, and 1220 tension ties were modified during a freighter conversion, as provided in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014. Boeing stated that the compliance time for modification of those airplanes can be increased because the modification has been done during a freighter conversion. UPS noted that paragraph (p) of the proposed AD should be changed to require modification and all related inspections and corrective actions be accomplished in accordance with Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, at the applicable time specified in Boeing Service Bulletin 747–53A2559, Revision 1, dated August 4, 2011; or Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014.

We agree with the commenter to include the alternative compliance times for certain airplanes to accomplish the actions required by paragraph (p) of this AD. We have added a new paragraph (p)(3) to this AD for Group 3 through 5, Configuration 1 airplanes identified in Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, to specify that operators may accomplish the actions required by paragraph (p) of this AD within the applicable compliance times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the

public interest require adopting this AD with the changes described previously 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 747–53A2559, Revision 2, dated May 13, 2014. The service information describes procedures for modifying the tension tie and frame at certain center sections, including related investigative and corrective actions; post-modification inspections for cracking of the tension tie and frame structure and corrective actions; an additional modification; an inspection of all areas of the modified tension ties for cracking; an inspection of the tension tie center section for cracking in certain tension tie channels; and repair.

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 120 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained modification in AD 2012–15–13 (67 airplanes).	Between 257 and 263 work-hours × $85 per hour = between $21,845 and $22,355.	Between $341,334 and $345,490.	Between $363,179 and $367,845.	Between $24,332,993 and $24,645,615.
Retained post-modification inspections in AD 2012–15–13 (67 airplanes).	6 work-hours × $85 per hour = $510 per inspection cycle.	$0	$510 per inspection cycle	$34,170 per inspection cycle.
New inspection	10 work-hours × $85 per hour = $850.	$0	$850	$102,000.
New post-modification eddy current inspections.	216 work-hours × $85 per hour = $18,360 per inspection cycle.	$0	$18,360 per inspection cycle.	$2,203,200 per inspection cycle.

We have received no definitive data that will enable us to provide a cost estimate 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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–15–13, Amendment 39–17142 (77 FR 47267, August 8, 2012), and adding the following new AD:

2016–05–12 The Boeing Company: Amendment 39–18430; Docket No. FAA–2015–2961; Directorate Identifier 2014–NM–145–AD.

(a) Effective Date

This AD is effective April 22, 2016.

(b) Affected ADs

This AD replaces AD 2012–15–13, Amendment 39–17142 (77 FR 47267, August 8, 2012) (''AD 2012–15–13'').

(c) Applicability

This AD applies to The Boeing Company Model 747–100B SUD, 747–300, 747–400, and 747–400D series airplanes; and Model 747–200B series airplanes having a stretched upper deck; certificated in any category; excluding airplanes that have been converted to a large cargo freighter configuration.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracked and severed tension ties, broken fasteners, and cracks in the frame, shear web, and shear ties adjacent to tension ties for the upper deck. This AD was also prompted by an evaluation by the design approval holder,

which indicated that the upper deck is subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking of the tension ties, shear webs, and frames of the upper deck, which could result in rapid decompression and reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Repetitive Stage 1 Inspections, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2012–15–13, with no changes. For all airplanes: Do detailed inspections for cracking or discrepancies of the fasteners in the tension ties, shear webs, and frames at body stations (STA) 1120 through 1220, and related investigative and corrective actions as applicable, by doing all actions specified in and in accordance with ''Stage 1 Inspection'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005, except as provided by paragraph (k) of this AD; or Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010. As of September 12, 2012 (the effective date of AD 2012–15–13), only Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010, may be used to do the actions required by this paragraph. Do the Stage 1 inspections at the applicable times specified in paragraphs (h) and (i) of this AD, except as provided by paragraphs (g)(1) and (g)(2) of this AD. Accomplishment of the initial Stage 2 inspection required by paragraph (j) of this AD terminates the requirements of this paragraph. Any applicable related investigative and corrective actions must be done before further flight. Doing the modification required by paragraph (p) of this AD terminates the repetitive inspection requirements of this paragraph.

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005, specifies a compliance time relative to ''the original issue date on this service bulletin,'' this AD requires compliance before the specified compliance time after April 26, 2006 (the effective date of AD 2006–06–11, Amendment 39–14520 (71 FR 14367, March 22, 2006)).

(2) For any airplane that reaches the applicable compliance time for the initial Stage 2 inspection (as specified in Table 1, Compliance Recommendations, under paragraph 1.E., of Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005) before reaching the applicable compliance time for the initial Stage 1 inspection: Accomplishment of the initial Stage 2 inspection terminates the Stage 1 inspections.

(h) Retained Compliance Time for Initial Stage 1 Inspection, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2012–15–13, with no changes. Do the initial Stage 1 inspection at the earlier of the times specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Inspect at the earlier of the times specified in paragraphs (h)(1)(i) and (h)(1)(ii) of this AD.

(i) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005.

(ii) Before the accumulation of 10,000 total flight cycles, or within 250 flight cycles after November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)), whichever occurs later.

(2) Inspect at the later of the times specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Before the accumulation of 12,000 total flight cycles.

(ii) Within 50 flight cycles or 20 days, whichever occurs first, after November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)).

(i) Retained Compliance Times for Repetitive Stage 1 Inspections, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2012–15–13, with no changes. Repeat the Stage 1 inspection specified in paragraph (g) of this AD at the time specified in paragraph (i)(1) or (i)(2) of this AD, as applicable. Repeat the inspection thereafter at intervals not to exceed 250 flight cycles, until the initial Stage 2 inspection required by paragraph (j) of this AD has been done.

(1) For airplanes on which the initial Stage 1 inspection has not been accomplished as of November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)): Do the next inspection before the accumulation of 10,000 total flight cycles, or within 250 flight cycles after the initial Stage 1 inspection done in accordance with paragraph (g) of this AD, whichever occurs later.

(2) For airplanes on which the initial Stage 1 inspection has been accomplished as of November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)): Do the next inspection at the applicable time specified in paragraph (i)(2)(i) or (i)(2)(ii) of this AD.

(i) For airplanes that have accumulated fewer than 12,000 total flight cycles as of November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)): Do the next inspection before the accumulation of 10,000 total flight cycles, or within 250 flight cycles after November 28, 2007, whichever occurs later.

(ii) For airplanes that have accumulated 12,000 total flight cycles or more as of November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)): Do the next inspection at the later of the times specified in paragraphs (i)(2)(ii)(A) and (i)(2)(ii)(B) of this AD.

(A) Within 250 flight cycles after accomplishment of the initial Stage 1 inspection.

(B) Within 50 flight cycles or 20 days, whichever occurs first, after November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)).

(j) Retained Repetitive Stage 2 Inspections, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2012–15–13, with no changes. For all airplanes: Do detailed and high frequency eddy current inspections for cracking or discrepancies of the fasteners in the tension ties, shear webs, and frames at STAs 1120 through 1220, and related investigative and corrective actions as applicable, by doing all actions specified in and in accordance with ''Stage 2 Inspection'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010; except as provided by paragraph (k) of this AD. Do the initial inspections at the earlier of the times specified in paragraphs (j)(1) and (j)(2) of this AD. Repeat the Stage 2 inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010. As of September 12, 2012 (the effective date of AD 2012–15–13), only Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010, may be used. Any applicable related investigative and corrective actions must be done before further flight. Accomplishment of the initial Stage 2 inspection ends the repetitive Stage 1 inspections. Doing the modification required by paragraph (p) of this AD terminates the repetitive inspection requirements of this paragraph.

(1) Before the accumulation of 16,000 total flight cycles, or within 1,000 flight cycles after November 28, 2007 (the effective date of AD 2007–23–18, Amendment 39–15266 (72 FR 65655, November 23, 2007)), whichever occurs later.

(2) Before the accumulation of 10,000 total flight cycles, or within 1,000 flight cycles after September 12, 2012 (the effective date of AD 2012–15–13, Amendment 39–17142 (77 FR 47267, August 8, 2012)), whichever occurs later.

(k) Retained Exception to Corrective Action Instructions, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2012–15–13, with no changes. If any discrepancy, including but not limited to any crack, broken fastener, loose fastener, or missing fastener is found during any inspection required by paragraph (g), (h), (i), or (j) of this AD, and Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010; specifies to contact Boeing for appropriate action: Before further flight, repair the discrepancy using a method approved in accordance with the procedures specified in paragraph (t) of this AD.

(l) Retained Stage 2 Inspection: Work at STA 1140, With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2012–15–13, with no changes. For all airplanes: Except as

provided by paragraph (o) of this AD, at the time specified in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010, do an open hole high frequency eddy current (HFEC) inspection for cracking in the forward and aft tension tie channels at 12 fastener locations inboard of the aluminum straps at STA 1140, and before further flight do all applicable repairs. Do all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010. Repeat the inspections thereafter at the time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010. Doing the modification required by paragraph (p) of this AD terminates the inspection requirements in this paragraph.

(m) Retained One-Time Inspection for Incorrectly Installed Angles, With No Changes

This paragraph restates the requirements of paragraph (m) of AD 2012–15–13, with no changes. For Group 1, Configuration 1, airplanes as identified in Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010: Except as provided by paragraph (o) of this AD, at the time specified in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010, do a detailed inspection to determine if the angle is installed correctly, and before further flight re-install all angles that were installed incorrectly. Do all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010.

(n) Retained One-Time Inspection for Cracks in Frames at Previous Tension Tie Locations, With No Changes

This paragraph restates the requirements of paragraph (n) of AD 2012–15–13, with no changes. For Group 1, Configuration 2, airplanes; and Groups 2 and 3 airplanes; as identified in Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010: Except as provided by paragraph (o) of this AD, at the time specified in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010, do an open hole HFEC inspection for cracks at the fastener locations (STAs 1120, 1160, 1200, and 1220) where the tension tie previously attached to the frame prior to modification to the Boeing Special Freighter or Boeing Converted Freighter configuration, and before further flight do all applicable repairs. Do all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010. Doing the modification required by paragraph (p) of this AD terminates the one-time inspection requirements in this paragraph.

(o) Retained Exception to Boeing Alert Service Bulletin 747–53A2507, Revision 1, Dated January 14, 2010, With No Changes

This paragraph restates the requirements of paragraph (o) of AD 2012–15–13, with no changes. Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010, specifies a compliance time relative to ''the Revision 1 date of this service bulletin,'' this AD requires compliance within the specified compliance time after September 12, 2012 (the effective date of AD 2012–15–13).

(p) Retained Modification and Post-Modification Repetitive Inspections, With Revised Service Information and a New Exception

This paragraph restates the requirements of paragraph (p) of AD 2012–15–13, with revised service information and a new exception. Except as provided by paragraphs (p)(1), (p)(2), and (p)(3) of this AD: At the applicable times specified in paragraph 1.E, ''Compliance,'' of Boeing Service Bulletin 747–53A2559, Revision 1, dated August 4, 2011, modify the frame-to-tension-tie joints at STAs 1120 through 1220; do all related investigative and applicable corrective actions; do the repetitive post-modification detailed inspections for cracking of the tension tie and frame structure and all applicable corrective actions; and do the additional modification. Do all actions in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2559, Revision 1, dated August 4, 2011; or Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014. Modifying the frame-to-tension-tie joints at STAs 1120 through 1220 terminates the repetitive inspection requirements of paragraphs (g) and (j) of this AD, the inspection requirements of paragraph (l) of this AD, and the one-time inspection requirement of paragraph (n) of this AD. As of the effective date of this AD, only Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, may be used to accomplish the actions specified in this paragraph.

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2559, Revision 1, dated August 4, 2011, specifies a compliance time relative to ''the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after September 12, 2012 (the effective date of AD 2012–15–13).

(2) Where Boeing Service Bulletin 747–53A2559, Revision 1, dated August 4, 2011; or Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014; specifies to contact Boeing for repair instructions or additional modification requirements: Before further flight, repair the cracking or do the additional actions using a method approved in accordance with the procedures specified in paragraph (t) of this AD.

(3) For Group 3 through 5, Configuration 1 airplanes identified in Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014: Operators may accomplish the actions required by paragraph (p) of this AD within the applicable compliance times specified in paragraph 1.E., ''Compliance'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014.

(q) Retained Credit for Previous Actions, With No Changes

This paragraph restates the credit provided by paragraph (q) of AD 2012–15–13, with no changes. This paragraph provides credit for the corresponding actions required by paragraph (p) of this AD, if those actions were done before September 12, 2012 (the effective date of AD 2012–15–13), using Boeing Alert Service Bulletin 747–53A2559, dated January 8, 2009, which is not incorporated by reference in this AD.

(r) New Repetitive Post-Modification Eddy Current Inspections

Do an eddy current inspection of all areas of the modified tension ties for cracking, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014. Do the inspection at the time specified in Table 2 of paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, except where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, specifies a compliance time relative to ''the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD. If any crack is found, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (t) of this AD. If no crack is found, repeat the inspection thereafter at the intervals specified in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014.

(s) New One-Time Surface HFEC Inspections

Do a surface HFEC inspection of the tension tie center section, for cracking in the forward and aft tension tie channels between STAs 1120 through 1220, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014. Do the inspection at the applicable time specified in Table 1 or Table 3 of paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, except where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014, specifies a compliance time relative to ''the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD. If any crack is found, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (t) of this AD.

(t) 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 (u)(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, alteration, or modification 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) AMOCs approved previously for AD 2012–15–13, are approved as AMOCs for the corresponding provisions of this AD.

(u) Related Information

(1) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (v)(6) and (v)(7) of this AD.

(v) 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.

(3) The following service information was approved for IBR on April 22, 2016.

(i) Boeing Alert Service Bulletin 747–53A2559, Revision 2, dated May 13, 2014.

(ii) Reserved.

(4) The following service information was approved for IBR on September 12, 2012 (77 FR 47267, August 8, 2012).

(i) Boeing Alert Service Bulletin 747–53A2507, Revision 1, dated January 14, 2010.

(ii) Boeing Service Bulletin 747–53A2559, Revision 1, dated August 4, 2011.

(5) The following service information was approved for IBR on November 28, 2007 (72 FR 65655, November 23, 2007).

(i) Boeing Alert Service Bulletin 747–53A2507, dated April 21, 2005.

(ii) Reserved.

(6) 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.*

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

(8) 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 29, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–05249 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2459; Directorate Identifier 2015–NM–002–AD; Amendment 39–18436; AD 2016–06–05]

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 certain The Boeing Company Model 777 airplanes. This AD was prompted by reports of fire and smoke at the engine aft pylon area resulting from fuel leakage caused by a damaged O-ring in the fuel coupling attached to the wing front spar. This AD requires applying sealant to fill the gap between the lower wing panels adjacent to the strut aft vapor barrier. We are issuing this AD to prevent fire and smoke at the engine aft pylon area in the event of a fuel leak, which could cause personal injury during ground operations. A fire spreading back and up to the aft fairing pylon can result in an uncontrolled fire in the strut and ignite the fuel tank.

DATES: This AD is effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 22, 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–2015–2459.

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–2015–2459; 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: Kevin Nguyen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *kevin.nguyen@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 certain The Boeing Company Model 777 airplanes. The NPRM published in the **Federal Register** on July 9, 2015 (80 FR 39392). The NPRM was prompted by reports of fire and smoke at the engine aft pylon area resulting from fuel leakage caused by a damaged O ring in the fuel coupling attached to the wing front spar. The fuel was captured by the fuel coupling rubber boot and was discharged into the flammable fluid leakage zone of the strut-to-wing cavity, as intended. However, the fuel did not follow its intended drain paths into the aft strut and lower wing panel drains, but instead followed an unintended drain path through an unsealed gap between the lower wing panels above the strut aft vapor barrier. The leaking fuel then followed gaps and seams in the aft fairing structure to the outside of the strut fairing side panels, ignited after

contact with the hot engine exhaust heat shield, and caused a fire and smoke. We are issuing this AD to prevent fire and smoke at the engine aft pylon area in the event of a fuel leak, which could cause personal injury during ground operations. A fire spreading back and up to the aft fairing pylon can result in an uncontrolled fire in the strut and ignite the fuel tank.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comments received. Boeing concurred with the NPRM (80 FR 39392, dated July 9, 2015), and FedEx had no technical objection.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (80 FR 39392, dated July 9, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 39392, dated July 9, 2015).

Related Service Information Under 1 CFR Part 51

We have reviewed Boeing Special Attention Service Bulletin 777–54–0035, dated October 30, 2014. The service information describes procedures for applying sealant to fill the gap between wing panels. 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 196 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Sealant application	3 work-hours × $85 per hour = $255	$0	$255	$49,980

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):

2016–06–05 The Boeing Company: Amendment 39–18436; Docket No. FAA–2015–2459; Directorate Identifier 2015–NM–002–AD.

(a) Effective Date

This AD is effective April 22, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, –300ER, and –777F series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 777–54–0035, dated October 30, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

(e) Unsafe Condition

This AD was prompted by reports of fire and smoke at the engine aft pylon area resulting from fuel leakage caused by a damaged O-ring in the fuel coupling attached to the wing front spar. We are issuing this AD to prevent fire and smoke at the engine aft pylon area in the event of a fuel leak, which could cause personal injury during ground operations. A fire spreading back and up to the aft fairing pylon can result in an uncontrolled fire in the strut and ignite the fuel tank.

(f) Compliance

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

(g) Sealant Application

Within 1,875 days after the effective date of this AD, apply sealant to fill the gap between the lower wing panels adjacent to the strut aft vapor barrier, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–54–0035, dated October 30, 2014.

(h) 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 (i)(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) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (h)(3)(i) and (h)(3)(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.

(4) An AMOC that provides an acceptable level of safety may be used for any repair 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 must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(i) Related Information

(1) For more information about this AD, contact Kevin Nguyen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *kevin.nguyen@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.

(j) 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 Special Attention Service Bulletin 777–54–0035, dated October 30, 2014.

(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 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.

(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 March 9, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–05900 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3732; Directorate Identifier 2015–NE–25–AD; Amendment 39–18431; AD 2016–05–13]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Pratt & Whitney Canada Corp. (P&WC) PT6A–60AG, –65AG, –67AF, and –67AG turboprop engines. This AD requires removing Woodward fuel control units (FCUs) and installing an FCU that is eligible for installation. This AD was prompted by incidents of corrosion and perforation of the two-ply Cu-Be bellows in Woodward FCUs. We are issuing this AD to prevent failure of the Woodward FCU and engine, in-flight shutdown, and loss of control of the airplane.

DATES: This AD becomes effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 22, 2016.

ADDRESSES: For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Internet: *www.pwc.ca.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3732.

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–2015–3732; 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 mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document 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: Besian Luga, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: *besian.luga@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 the specified products. The NPRM was published in the **Federal Register** on November 10, 2015 (80 FR 69623). The NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> There have been in-service incidents involving corrosion and perforation of the two-ply Cu-Be bellows in Woodward Fuel Control Units (FCU) fitted to PT6A–60, –65 and –67 series engines. In certain instances, associated bellows leakage has resulted in loss of engine power, in-flight shutdowns (IFSD) and even accidents. Engines installed

on the aeroplanes that are used for crop dusting, due to the operational environment, are more susceptible to corrosion damage to the subject bellows.

Loss of engine power or shut down in flight by itself usually is not considered a catastrophic event. However, on an aeroplane with single engine installation, an engine power loss or IFSD at a critical phase of flight could adversely affect the safe operation of the aeroplane.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 69623, November 10, 2015).

We updated the revision number and date of P&WC Service Bulletin No. PT6A–72–14389.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD with the changes described previously. We 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

P&WC has issued Service Bulletin (S.B.) No. PT6A–72–14389, Revision No. 4, dated February 3, 2016 (P&WC S.B. No. 14389R4) and S.B. No. PT6A–72–13473, Revision No. 1, dated May 26, 2015 (P&WC S.B. No. 13473R1). The service information describes procedures for replacing Woodward FCUs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this final rule.

Costs of Compliance

We estimate that this AD affects 341 engines installed on airplanes of U.S. registry. We also estimate that it will take about 1.5 hours per engine to comply with this AD. The average labor rate is $85 per hour. Required parts cost about $1,000 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be $384,478.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–05–13 Pratt & Whitney Canada Corp. (Type Certificate previously held by Pratt & Whitney Canada, Inc., Pratt & Whitney Aircraft of Canada, Ltd., and United Aircraft of Canada, Ltd.): Amendment 39–18431; Docket No. FAA–2015–3732; Directorate Identifier 2015–NE–25–AD.

(a) Effective Date

This AD becomes effective April 22, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pratt & Whitney Canada Corp. (P&WC) PT6A–60AG, BS919 and BS1048 with pre-Service Bulletin (S.B.) No. PT6A–72–13402, dated August 12, 2005 configuration; PT6A–65AG, BS708, BS903, BS1101, and BS1102 with pre-S.B. No. PT6A–72–13408, dated July 3, 2006 configuration; PT6A–67AF; and PT6A–67AG turboprop engines with Woodward fuel control units (FCUs), installed.

(d) Reason

This AD was prompted by incidents of corrosion and perforation of the two-ply Cu-Be bellows in Woodward FCUs. We are issuing this AD to prevent failure of the Woodward FCU and engine, in-flight shutdown, and loss of control of the airplane.

(e) Actions and Compliance

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

(1) For P&WC PT6A–67AF and PT6A–67AG engines, within 500 flight hours (FHs) or one year after the effective date of this AD, whichever occurs first, replace the Woodward FCU. Use paragraphs 3.A. and 3.C. of P&WC S.B. No. PT6A–72–14389, Revision No. 4, dated February 3, 2016 to replace the FCU.

(2) For P&WC PT6A–60AG BS919 and BS1048 engines with pre-S.B. No. PT6A–72–13402 configurations, within 36 months after the effective date of this AD, replace the Woodward FCU. Use paragraph 3.C.(1) and 3.C.(3) of P&WC S.B. No. PT6A–72–13473, Revision No. 1, dated May 26, 2015 to replace the FCU.

(3) For P&WC PT6A–65AG BS708, BS903, BS1101, and BS1102 engines with pre-S.B. No. PT6A–72–13408 configurations, within 36 months after the effective date of this AD, replace the Woodward FCU. Use paragraphs 3.A.(1) and 3.A.(3) of P&WC S.B. No. PT6A–72–13473, Revision No. 1, dated May 26, 2015 to replace the FCU.

(f) Credit for Previous Actions

You may take credit for the actions required by paragraph (e) of this AD if you performed the actions before the effective date of this AD in accordance with P&WC S.B. No. PT6A–72–14389, Revision No. 3, dated January 27, 2011; or S.B. No. PT6A–72–13473, dated March 12, 2015; or S.B. No. PT6A–72–13408, Revision No. 1, dated March 12, 2015; or earlier versions.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Related Information

(1) For more information about this AD, contact Besian Luga, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: *besian.luga@faa.gov.*

(2) Refer to MCAI Transport Canada AD CF–2015–23, dated July 23, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–3732. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-3732-0002.*

(i) 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) Pratt & Whitney Canada (P&WC) Service Bulletin (S.B.) No. PT6A–72–14389, Revision No. 4, dated February 3, 2016 (P&WC S.B. No. 14389R4).

(ii) P&WC S.B. No. PT6A–72–13473, Revision No. 1, dated May 26, 2015 (P&WC S.B. No. 13473R1).

(3) For P&WC service information identified in this AD, contact Pratt & Whitney Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Internet: *www.pwc.ca.*

(4) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on March 2, 2016.

Colleen M. D'Alessandro,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2016–06124 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–5318; Directorate Identifier 2015–CE–035–AD; Amendment 39–18437; AD 2016–06–06]

RIN 2120–AA64

Airworthiness Directives; Quest Aircraft Design, LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Quest Aircraft Design, LLC Model KODIAK 100 airplanes. This AD was prompted by a report of limited control yoke movement of the elevator control system due to cushion edging jammed in the elevator control anti-rotation guide slot. This AD requires repetitively inspecting the elevator control system cushion edging for proper condition; replacing the cushion edging; and at a specified time terminating the repetitive inspections by installing wear pads on the elevator bearing assemblies. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 22, 2016.

ADDRESSES: For service information identified in this AD, contact Quest Aircraft Design, LLC, 1200 Turbine Drive, Sandpoint, Idaho 83864; telephone: (208) 263–1111; toll free: (866) 263–1112; email: *CustomerService@QuestAircraft.com;* Internet: *www.questaircraft.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2015–5318.

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–2015–5318; 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 (telephone: 800–647–5527) is Document 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: David Herron, Aerospace Engineer, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057; phone: (425) 917–6469; fax: (425) 917–6591; email: *david.herron@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 certain Quest Aircraft Design, LLC Model KODIAK 100 airplanes. The NPRM published in the **Federal Register** on November 5, 2015 (80 FR 68477). The NPRM was prompted by a report of limited control yoke movement of the elevator control system due to cushion edging jammed in the elevator control anti-rotation guide slot. The NPRM proposed to require repetitively inspecting the elevator control system cushion edging for proper condition; replacing the cushion edging; and at a specified time terminating the repetitive inspections by installing wear pads on the elevator bearing assemblies. We are issuing this AD to correct the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (80 FR 68477, November 5, 2015) and the FAA's response to each comment.

Request To Include Revised Service Bulletin

Quest Aircraft Design revised one of the related service bulletins and requested that Quest Aircraft Company KODIAK 100 Mandatory Service Bulletin SB14–07, Revision 01, dated November 23, 2015, be incorporated into the final rule AD action.

We agree. We revised this AD as requested.

Request To Reference Only the Field Service Instructions

Quest Aircraft Design stated that the instructions for doing the actions required in the AD are actually contained in the Field Service Instructions (FSIs) issued by Quest

Aircraft and that there is no need to include reference to the related service bulletins since they are basically cover letters that point to the FSIs for the instructions. The commenter requested to have the related service bulletins removed from the AD to make the AD clearer to the reader and to eliminate any confusion.

We agree that the FSIs contain the instructions for completing the actions required in this AD; however, the service bulletins contain additional pertinent information, such as company contact information and FAA approval status that is not included in the associated FSI.

We do not agree that the service bulletins should be removed from the AD. We did not revise this AD as requested.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (80 FR 68477, November 5, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 68477, November 5, 2015).

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

Related Service Information Under 1 CFR Part 51

We reviewed Quest Aircraft Company KODIAK 100 Mandatory Service Bulletin SB14–07, Revision 01, dated November 23, 2015; Quest Aircraft KODIAK Mandatory Service Bulletin SB14–07, dated August 26, 2014; Quest Aircraft Company Field Service Instruction, Elevator Control System—Cushion Edging Inspection, Report No. FSI–105, Revision 00, not dated; Quest Aircraft KODIAK 100 Recommended Service Bulletin SB15–01, dated March 26, 2015; and Quest Aircraft Field Service Instruction, Yoke Anti-Rotation Guide Wear Pad Upgrade, Report No. FSI–108, Revision 00, not dated. The service information describes procedures for repetitively inspecting the cushion edging installed on the elevator control anti-rotation guide for proper condition, wear, and security, and replacing if necessary; and removing the cushion edging and installing wear pads on the pilot and co-pilot arms of the elevator bearing assemblies as a terminating action to the repetitive inspections of the cushion edging. 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 60 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the cushion edging on each side of the elevator control anti-rotation guide slot.	.5 work-hour × $85 per hour = $42.50 per inspection.	Not applicable	$42.50 per inspection.	$2,550 per inspection.
Required terminating action for repetitive inspections—replace cushion edging with wear pads.	3 work-hours × $85 per hour = $255	$200	$455	$27,300.

We estimate the following costs to do any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace cushion edging	1 work-hour × $85 per hour = $85	$20	$105

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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):

2016–06–06 Quest Aircraft Design, LLC: Amendment 39–18437; Docket No. FAA–2015–5318; Directorate Identifier 2015–CE–035–AD.

(a) Effective Date

This AD is effective April 22, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Quest Aircraft Design, LLC Model KODIAK 100 airplanes, all serial numbers 100–0001 through 100–0149, that are certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 2730; Elevator Control System.

(e) Unsafe Condition

This AD was prompted by a report of limited control yoke movement due to cushion edging jammed in the elevator control anti-rotation guide slot. We are issuing this AD to prevent failure of the elevator control system, which could result in loss of control.

(f) Compliance

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

(g) Inspect Cushion Edging

Before further flight April 22, 2016 (after the effective date of this AD) and repetitively thereafter at intervals not to exceed 50 hours time-in-service until the terminating action specified in paragraph (i) of this AD is done, inspect the cushion edging, part number (P/N) M22529/2–3R–25, located on each side of the elevator control anti-rotation guide slot, P/N 100–619–0008, for the pilot and co-pilot control yoke assemblies, following section 5.1 Cushion Edging Inspection of Quest Aircraft Company Field Service Instruction, Elevator Control System—Cushion Edging Inspection, Report No. FSI–105, Revision 00, not dated, as specified in Quest Aircraft KODIAK Mandatory Service Bulletin SB14–07, dated August 26, 2014; and Quest Aircraft Company KODIAK 100 Mandatory Service Bulletin SB14–07, Revision 01, dated November 23, 2015.

(h) Replace Cushion Edging

If damage or wear is found during any inspection required in paragraph (g) of this AD, before further flight, replace the cushion edging following section 5.3 of Quest Aircraft Company Field Service Instruction, Elevator Control System—Cushion Edging Inspection, Report No. FSI–105, Revision 00, not dated, as specified in Quest Aircraft KODIAK Mandatory Service Bulletin SB14–07, dated August 26, 2014; and Quest Aircraft Company KODIAK 100 Mandatory Service Bulletin SB14–07, Revision 01, dated November 23, 2015.

(i) Install Wear Pads (Terminating Action for the Repetitive Inspections)

Within 1 year after April 22, 2016 (the effective date of this AD), remove the cushion edging, P/N M22529/2–3R–25, installed on the elevator control anti-rotation guide, and install wear pads, P/N 100–619–0037, on the elevator bearing assembly link arm following section 5. Instructions, including all subsections, of Quest Aircraft Field Service Instruction, Yoke Anti-Rotation Guide Wear Pad Upgrade, Report No. FSI–108, Revision 00, not dated, as specified in Quest Aircraft KODIAK 100 Recommended Service Bulletin SB15–01, dated March 26, 2015. Installing all four wear pads on the pilot and co-pilot arms of the elevator bearing assemblies terminates the repetitive inspections required in paragraph (g) 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) 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.

(k) Related Information

For more information about this AD, contact David Herron, Aerospace Engineer, Seattle ACO, FAA, 1601 Lind Avenue SW., Renton, Washington 98057; phone: (425) 917–6469; fax: (425) 917–6591; email: *david.herron@faa.gov.*

(l) 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) Quest Aircraft Company KODIAK 100 Mandatory Service Bulletin SB14–07, Revision 01, dated November 23, 2015.

(ii) Quest Aircraft KODIAK Mandatory Service Bulletin SB14–07, dated August 26, 2014.

(iii) Quest Aircraft Company Field Service Instruction, Elevator Control System—Cushion Edging Inspection, Report No. FSI–105, Revision 00, not dated.

(iv) Quest Aircraft KODIAK 100 Recommended Service Bulletin SB15–01, dated March 26, 2015.

(v) Quest Aircraft Field Service Instruction, Yoke Anti-Rotation Guide Wear Pad Upgrade, Report No. FSI–108, Revision 00, not dated.

(3) For Quest Aircraft Design, LLC service information identified in this AD, contact Quest Aircraft Design, LLC, 1200 Turbine Drive, Sandpoint, Idaho 83864; telephone: (208) 263–1111; toll free: (866) 263–1112; email: *CustomerService@QuestAircraft.com;* Internet: *www.questaircraft.com.*

(4) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5318.

(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 Kansas City, Missouri, on March 10, 2016.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–05898 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–4227; Directorate Identifier 2016–NM–025–AD; Amendment 39–18439; AD 2016–06–08]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for The Boeing Company Model 787–8 and 787–9 airplanes powered by GE GEnx engines. This AD requires revising the airplane flight manual to provide the flight crew a new fan ice removal procedure to reduce the likelihood of engine damage due to fan ice shedding. This AD also requires, for certain airplanes, reworking the fan stator module assembly on GE GEnx–1B Performance Improvement Program (PIP) 2 engines. This AD was prompted by a recent engine fan blade rub event that caused an in-flight non-restartable power loss. We are issuing this AD to prevent reduced fan tip clearance, which could result in engine damage and a possible in-flight non-restartable power loss of one or both engines.

DATES: This AD is effective March 18, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 18, 2016.

We must receive comments on this AD by May 2, 2016.

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

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

For service information identified in this final rule, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *geae.aoc@ge.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–2016–4227.

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–2016–4227; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sue Lucier, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6438; fax: 425–917–6590; email: *Suzanne.Lucier@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received a report of a significant GE GEnx–1B PIP2 engine fan rub event, apparently caused by partial fan ice shedding and a resulting fan imbalance that in turn caused substantial damage to the engine and an in-flight non-restartable power loss. We continue to investigate this issue with Boeing and GE; however, the engine damage appears to be a result of reduced fan tip clearances common to the GEnx–1B PIP2 engine. The other engine on the event airplane was a GEnx–1B PIP1 configuration that incurred expected wear and minor damage during the icing event and continued to operate normally. The event occurred in icing conditions at an altitude of 20,000 feet. Reduced fan tip clearance, if not corrected, could result in engine damage and a possible in-flight non-restartable power loss of one or both engines. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed GE GEnx–1B Service Bulletin 72–0309 R00, dated March 11, 2016, which describes procedures for reworking the fan stator module assembly on GEnx–1B PIP2 engines. 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 issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in the GE service information described previously. This AD also requires revising the airplane flight manual (AFM) to provide the flight crew a new fan ice removal procedure to reduce the likelihood of engine damage due to fan ice shedding.

Interim Action

We consider this AD interim action. The engine manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we may consider additional rulemaking.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because reduced fan tip clearance could result in engine damage and a possible in-flight non-restartable power loss of one or both engines. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2016–4227 and Directorate Identifier 2016–NM–025–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 34 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$2,890.
Rework	40 work-hours × $85 per hour = $3,400	0	3,400	3,400 (1 affected airplane).

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):

2016–06–08 The Boeing Company: Amendment 39–18439; Docket No. FAA–2016–4227; Directorate Identifier 2016–NM–025–AD.

(a) Effective Date

This AD is effective March 18, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, powered by General Electric (GE) GEnx engines.

(d) Subject

Air Transport Association (ATA) of America Code 72, Engines.

(e) Unsafe Condition

This AD was prompted by a recent engine fan blade rub event that caused an in-flight non-restartable power loss. We are issuing this AD to prevent reduced fan tip clearance, which could result in engine damage and a possible in-flight non-restartable power loss of one or both engines.

(f) Compliance

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

(g) Revision of Airplane Flight Manual (AFM): Certificate Limitations

Within 7 days after the effective date of this AD, revise the Certificate Limitations chapter of the applicable Boeing 787 AFM to include the statement provided in figure 1 to paragraph (g) of this AD. This may be done by inserting a copy of this AD into the AFM.

FIGURE 1 TO PARAGRAPH (g) OF THIS AD

Engine Operational Limits

Cold Weather Operations Fan Ice Removal

In order to avoid possible fan damage and engine failure, when in icing conditions above 12,500 feet MSL, the flight crew must comply with the Cold Weather Operations Additional Fan Ice Removal procedure contained in the Operating Procedures chapter of this manual.

(h) AFM Revision: Operating Procedures

Within 7 days after the effective date of this AD, revise the Operating Procedures chapter of the Boeing 787 AFM to include the statement provided in figure 2 to paragraph (h) of this AD. This may be done by inserting a copy of this AD into the AFM.

FIGURE 2 TO PARAGRAPH (h) OF THIS AD

Cold Weather Operations Additional Fan Ice Removal Procedure

This procedure is required when in icing conditions above 12,500 feet MSL, by the Engine Operational Limits Cold Weather Operations Fan Ice Removal limitation contained in the Certificate Limitations chapter of this manual. The language below shall not be modified.

During flight in icing conditions (EAI EICAS indication showing) with N1 settings below 85%, or when fan icing is suspected due to high engine vibration, the fan blades must be cleared of any ice. Do the following procedure every 5 minutes on both engines, one engine at a time: Increase to a minimum of 85% N1 momentarily, then resume normal operation.

(i) Rework

For airplanes with two engines with engine serial numbers listed in paragraph 1.A., ''Effectivity,'' of GE GEnx–1B Service Bulletin 72–0309 R00, dated March 11, 2016: On or before March 25, 2016, rework the fan stator module assembly of one of the engines, in accordance with paragraphs 3.A.(1)(b), 3.B., or 3.C. of the Accomplishment Instructions of GE GEnx–1B Service Bulletin 72–0309 R00, dated March 11, 2016.

(j) Parts Installation Limitation

As of March 25, 2016, no person may operate an airplane that has two engines with engine serial numbers listed in paragraph

1.A., ''Effectivity,'' of GE GEnx–1B Service Bulletin 72–0309 R00, dated March 11, 2016, unless at least one engine has been reworked in accordance with paragraph 3.A.(1)(b), 3.B., or 3.C. of the Accomplishment Instructions of GE GEnx–1B Service Bulletin 72–0309 R00, dated March 11, 2016.

(k) Reporting Provisions

Although GE GEnx Service Bulletin GEnx–1B 72–0309 R00, dated March 11, 2016, specifies reporting certain tip clearance measurements to GE, this AD does not require any report.

(l) 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 (m) 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.

(m) Related Information

For more information about this AD, contact Sue Lucier, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6438; fax: 425–917–6590; email: *Suzanne.Lucier@faa.gov.*

(n) Material Incorporated by Reference

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

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

(i) GE GEnx–1B Service Bulletin 72–0309 R00, dated March 11, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *geae.aoc@ge.com.*

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

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

Issued in Renton, Washington, on March 14, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06117 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0774; Directorate Identifier 2013–NM–154–AD; Amendment 39–18438; AD 2016–06–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2006–22–15 for all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. AD 2006–22–15 required repetitive inspections for cracking of certain panel webs and stiffeners of the nose wheel well (NWW), and corrective actions if necessary; and replacement of certain panels with new panels, which terminates the repetitive inspections. This new AD reduces a compliance time and adds certain inspections and an applicable repair. This AD was prompted by multiple reports of fatigue cracking in the NWW top panel and side panel webs and stiffeners. We are issuing this AD to prevent fatigue cracking of the NWW side and top panels, which could result in a NWW depressurization event severe enough to reduce the structural integrity of the fuselage.

DATES: This AD is effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 22, 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–2014–0774.

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–2014–0774; 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: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *Bill.Ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006) (''AD 2006–22–15''). AD 2006–22–15 applied to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The SNPRM published in the **Federal Register** on September 18, 2015 (80 FR 56407) (''the SNPRM''). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on November 17, 2014 (79 FR 68388) (''the NPRM''). The NPRM proposed to continue to require repetitive inspections for cracking of

certain panel webs and stiffeners of the NWW, and corrective actions if necessary; and replacement of certain panels with new panels, which terminates the repetitive inspections. The NPRM proposed to reduce a compliance time and add certain inspections and repair if necessary. The NPRM was prompted by reports of fatigue cracking in the panel webs and stiffeners of the NWW found prior to the inspection threshold of AD 2006–22–15. The SNPRM revised the NPRM by specifying a repetitive inspection interval for a certain NWW area inspection. We are issuing this AD to prevent fatigue cracking of the NWW side and top panels, which could result in a NWW depressurization event severe enough to reduce the structural integrity of the fuselage.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the SNPRM and the FAA's response to each comment.

Support for the SNPRM

Two commenters supported the SNPRM. One commenter stated that the FAA should continue to execute its administrative power to ensure traveler safety and industry compliance, adding that while the original rule was good, ensuring that specifics are covered and timetables are available is an important improvement.

Request for Credit for Compliance Times in Previously Approved Alternative Methods of Compliance (AMOCs)

Boeing requested that we allow credit for the compliance times in previously approved AMOCs, if the compliance times are acceptable according to the SNPRM.

We agree with the commenter's request. We have revised paragraph (p)(4) of this AD to state that: AMOC actions approved previously for AD 2006–22–15 are approved as AMOCs for the corresponding actions of this AD. In addition, paragraph (p)(4) of this AD states that the compliance times in AMOCs approved previously for AD 2006–22–15 are not approved for the corresponding actions and compliance times in this AD, if this AD specifies an earlier compliance time than that specified in AD 2006–22–15; and that compliance times in AMOCs approved previously for AD 2006–22–15 that meet the requirements of this AD are acceptable.

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

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 the following Boeing service bulletins.

- Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012. This service information describes procedures for replacement of the side and top panel webs, support beams, and stiffeners of the NWW; an inspection for cracking of the attaching structural elements that are common to the removed top and side panels of the NWW; repetitive post-modification inspections for cracks in the top and side panel webs and stiffeners; and repairs.
- Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013. This service information describes procedures for doing inspections for cracking of the NWW side panel and top panel webs and longitudinal stiffeners for cracks, and related investigative and corrective actions.
- Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013. This service information describes procedures for replacement of the side and top panel webs and certain stiffeners of the NWW; an inspection for cracks in attaching structural elements that are common to the removed top panel and side panels; repetitive post-modification inspections for cracks in the top and side panel webs and stiffeners; and repairs.

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 will affect 255 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [actions retained from AD 2006–22–15].	119 work-hours × $85 per hour = $10,115 per inspection cycle.	$0	$10,115 per inspection cycle.	$2,579,325 per inspection cycle.
Modification [actions retained from AD 2006–22–15].	Up to 1,346 work-hours × $85 per hour = $114,410.	Up to $144,248	Up to $258,658	Up to $65,957,790.
Post-modification Inspections [new action].	119 work-hours × $85 per hour = $10,115 per inspection cycle.	$0	$10,115 per inspection cycle.	$2,579,325 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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006) (''AD 2006–22–15''), and adding the following new AD:

2016–06–07 The Boeing Company: Amendment 39–18438; Docket No. FAA–2014–0774; Directorate Identifier 2013–NM–154–AD.

(a) Effective Date

This AD is effective April 22, 2016.

(b) Affected ADs

This AD replaces AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006) (''AD 2006–22–15'').

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by multiple reports of cracking in the nose wheel well (NWW) top panel and side panel webs and stiffeners. We are issuing this AD to prevent fatigue cracking of the NWW side and top panels, which could result in a NWW depressurization event severe enough to reduce the structural integrity of the fuselage.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions With New Compliance Times

Except as specified in paragraphs (h)(1) and (h)(2) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013: Do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, except as specified in paragraph (h)(3) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013. The repetitive interval for the inspection of Area 2 specified in table 1 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, is 1,000 flight cycles. In table 2 and table 3 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, the date ''January 27, 2005,'' is the effective date of AD 2004–25–23, Amendment 39–13911 (69 FR 76839, December 23, 2004); and the date ''May 10, 2005,'' is the effective date of AD 2005–09–02, Amendment 39–14070 (70 FR 21141, April 25, 2005; corrected May 25, 2005 (70 FR 29940)).

(1) Do an external detailed inspection for cracks of the top and sidewall panel webs of the NWW (specified as Area 1 and Area 2 in Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013).

(2) Do internal detailed and surface high frequency eddy current (HFEC) inspections for cracks of the sidewall panel and top panel stiffeners of the NWW (specified as Area 3 in Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013).

(3) Do an external detailed and ultrasonic testing (UT) inspection for cracks of the top and sidewall panel webs of the NWW (specified as Area 1 and Area 2 in Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013).

(h) Exceptions to Boeing Service Bulletin 747–53A2465, Revision 5, Dated July 11, 2013

(1) Table 1 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, applies to airplanes with less than 15,000 total flight cycles ''as of the Revision 5 date of this service bulletin.'' For this AD, however, table 1 applies to airplanes with the specified total flight cycles as of the effective date of this AD.

(2) Table 1 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, specifies a compliance time of ''13,000 total flight-cycles,'' or ''within 1,000 flight cycles after the Revision 5 date of this service bulletin,'' whichever occurs later. This AD requires compliance before the accumulation of 10,000 total flight cycles or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(3) If any cracking or damage is found during any inspection required by paragraph (g) of this AD, and Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking or damage using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(i) NWW Modification

For airplanes identified in Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, replace the left-side, right-side, and top panels of the NWW, as applicable, with new panels, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013. As of the effective date of this AD, concurrently with doing the replacement specified in Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, do a detailed inspection for any cracks or damage (including, but not limited to, dents and corrosion) in all attaching structural elements that are common to the removed top panel and side panels, as applicable, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013. If any crack or damage is found, before further flight, repair the cracking or damage using a method approved in accordance with the procedures specified in paragraph (p) of this AD. In paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, the date ''December 11, 2006,'' is the effective date of AD 2006–22–15.

(j) Repetitive Post-Modification Inspections

For airplanes on which the replacement specified in paragraph (i) of this AD has been done: Except as required by paragraph (k) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, do the actions specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. If any crack is found: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Repeat the inspections specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(1) Do an external detailed inspection for cracks in the side panel webs, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(2) Do an internal detailed inspection and high frequency eddy current (HFEC) inspection for cracks in the top and side panel stiffeners, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(3) Do an external detailed inspection for cracks in the top panel web, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(k) Exception to Boeing Service Bulletin 747–53A2562, Revision 3, Dated July 11, 2013

Where paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, specifies a compliance time relative to the ''Revision 3 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(l) NWW Modification for Certain Airplanes

For airplanes identified in Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012, replace the left side, right side, and top panels of the NWW, as applicable, with new panels, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012. Concurrently with doing the replacement specified in this paragraph, do a detailed inspection for cracks of the attaching structural elements that are common to the removed top, left side, and right side panels of the NWW, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012. If any crack is found, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(m) Repetitive Post-Modification Inspections for Certain Airplanes

For airplanes on which the replacement specified in paragraph (l) of this AD has been done: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012, do the actions specified in paragraphs (m)(1), (m)(2), and (m)(3) of this AD. If any crack is found: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Repeat the inspections specified in paragraphs (m)(1), (m)(2), and (m)(3) of this AD thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(1) Do an external detailed inspection for cracks in the side panel webs, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(2) Do an internal detailed inspection and HFEC inspection for cracks in the top and side panel stiffeners, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(3) Do an external detailed inspection for cracks in the top panel web, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(n) Terminating Action for Certain Repetitive Inspections

Replacing the left side, right side, and top panels of the NWW with new panels as specified in paragraph (i) or (l) of this AD terminates the repetitive inspections required by paragraph (g) of this AD.

(o) Credit for Previous Actions

(1) This paragraph restates the credit given in paragraph (k) of AD 2006–22–15.

(i) This paragraph provides credit for the actions required by paragraph (g)(1) of this AD, if those actions were performed before January 27, 2005 (the effective date of AD 2004–25–23, Amendment 39–13911 (69 FR 76839, December 23, 2004)), using Boeing Alert Service Bulletin 747–53A2465, dated April 5, 2001, which is not incorporated by reference in this AD.

(ii) This paragraph provides credit for actions required by paragraphs (g)(1) and (g)(2) of this AD, if those actions were performed before December 11, 2006 (the effective date of AD 2006–22–15), using a service bulletin identified in paragraph (o)(1)(ii)(A), (o)(1)(ii)(B), or (o)(1)(ii)(C) of this AD, which are not incorporated by reference in this AD.

(A) Boeing Alert Service Bulletin 747–53A2465, Revision 1, dated October 16, 2003.

(B) Boeing Alert Service Bulletin 747–53A2465, Revision 2, dated November 11, 2004.

(C) Boeing Alert Service Bulletin 747–53A2465, Revision 3, dated December 23, 2004.

(2) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2465, Revision 4, dated February 24, 2005, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for the actions required by paragraphs (i) and (j) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (o)(3)(i) or (o)(3)(ii) of this AD.

(i) Boeing Service Bulletin 747–53A2562, Revision 1, dated July 28, 2005, which was incorporated by reference in AD 2006–22–15.

(ii) Boeing Service Bulletin 747–53A2562, Revision 2, dated May 31, 2007, which is not incorporated by reference in this AD.

(p) 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 (q)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(4) AMOC actions approved previously for AD 2006–22–15 are approved as AMOCs for the corresponding actions of this AD. The compliance times in AMOCs approved previously for AD 2006–22–15 are not approved for the corresponding actions and compliance times in this AD, if this AD specifies an earlier compliance time than that specified in AD 2006–22–15. Compliance times in AMOCs approved previously for AD 2006–22–15 that meet the requirements of this AD are acceptable.

(q) Related Information

(1) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *Bill.Ashforth@faa.gov.*

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

(r) 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 747–53A2808, dated November 30, 2012.

(ii) Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013.

(iii) Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06001 Filed 3–17–16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0495; Directorate Identifier 2014–NM–172–AD; Amendment 39–18435; AD 2016–06–04]

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 certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by reports of cracking at certain fastener locations in the window corners of the window belt area. This AD requires repetitive high frequency eddy current (HFEC) inspections for fatigue cracking in certain fastener locations in the window corners of the window belt area, and related investigative and corrective actions if necessary. This AD also provides an optional preventive modification that terminates the inspections at the modified location. We are issuing this AD to detect and correct fatigue cracking around fastener locations that could cause multiple window corner skin cracks, which could result in rapid decompression and loss of structural integrity of the airplane.

DATES: This AD is effective April 22, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 22, 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–2015–0495.

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–2015–0495; 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: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@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 certain The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on March 24, 2015 (80 FR 15523) (''the NPRM''). The NPRM was prompted by reports of cracking at certain fastener locations in the window corners of the window belt area. The NPRM proposed to require repetitive HFEC inspections for fatigue cracking in certain fastener locations in the window corners of the window belt area, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct fatigue cracking around fastener locations that could cause multiple window corner skin cracks, which could result in rapid decompression and loss of 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.

Request for Clarification of Location of the Twelve Fastener Inspections

Southwest Airlines (SWA) requested that a correction be made to paragraph (g) of the proposed AD to clarify the areas for the inspection of the twelve fastener locations. SWA noted that paragraph (g) of the proposed AD stated to inspect locations ''at the upper forward and lower aft corners of each window between station (STA) 360 and STA 540 and between STA 727 and STA 908.'' SWA stated that between STA 727 and STA 908, Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, specifies the location as the lower forward and upper aft corners.

We agree with the commenter for the reason provided. We have revised paragraph (g) of this AD to require an inspection of the twelve fastener locations at the upper forward and lower aft corners of each window between STA 360 and STA 540 and at the upper aft and lower forward corners of each window between STA 727 and STA 908.

Request for Clarification of the Intent of the Inspection Requirements in Paragraph (g) of the Proposed AD

SWA requested that we clarify the intent of paragraph (g) of the proposed AD. SWA stated that paragraph (g) of the proposed AD states to accomplish the inspections at the times specified in tables 1 and 2 of paragraph 1.E.,

''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, and then repeat the inspections at the applicable times specified in tables 1 and 2 until ''the terminating action in paragraph (h) of this AD is accomplished,'' which is the optional preventive modification in Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. SWA stated that, per note (b) in tables 1 and 2, accomplishment of the preventive modification in accordance with Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, is terminating action for both the initial and repeat inspections at the modified locations. SWA stated that paragraph (g) of the proposed AD does not mention the option to accomplish the actions specified in paragraph (h) of the proposed AD in lieu of the initial inspection specified in paragraph (g) of this AD; it only states to ''repeat the inspections . . . until the terminating action specified in paragraph (h) of this AD is done.'' SWA noted it is unclear if the intent of paragraph (g) of this AD is to require accomplishment of the Part 1 external surface HFEC inspections of the skin prior to accomplishing the Part 3 preventive modification instructions, or if the intent of paragraph (g) of the proposed AD is to provide the operator the option to accomplish paragraph (h) of the proposed AD (preventive modification) in lieu of accomplishing paragraph (g) of the proposed AD (inspections), since the Part 3 modification instructions include open hole HFEC inspections of the skin.

We agree to provide clarification. Paragraph (g) of this AD is not required at the time of accomplishment of the preventive modification specified in paragraph (h) of this AD. Paragraph (h) of this AD states that the preventive modification (including all applicable related investigative and corrective actions) terminates the inspections in paragraph (g) of this AD. This means all inspections (initial and repetitive) in paragraph (g) of this AD are not required if paragraph (h) of this AD is done. We have not changed this AD in this regard.

Request for Clarification of Existing Repairs

SWA requested clarification about existing repairs that meet the requirements of note (a) in tables 1 and 2 of paragraph l.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. SWA also requested to extend the note to apply to existing repairs that address damage other than cracking, provided that the repairs are evaluated and approved by Boeing via an FAA Form 8100–9. In addition, SWA requested we clarify whether note (a) applies only to reinforcing repairs that encompass all twelve fastener locations at a window corner, or if note (a) also applies to existing non-reinforcing oversize hole repairs.

We partially agree with the commenter. We agree with adding a paragraph to this AD to provide credit for previously approved repairs to address cracking issues, because Boeing Organization Designation Authorization (ODA) approved repairs installed prior the effective date of this AD are acceptable for terminating the initial and repetitive inspections in the area under the repair. We disagree with allowing any other repair as an alternative method of compliance (AMOC) because other repairs may or may not address the cracking issue. However, operators may request approval of an AMOC for these repairs using the procedures specified in paragraph (l) of this AD.

We have added new paragraph (g)(1) to this AD to specify that the inspections required by the introductory text of paragraph (g) of this AD may be terminated in areas with repairs installed prior to the effective date of this AD, provided the repairs are reinforcing and address the cracking issue addressed in this AD, and installation was approved by the Boeing Commercial Airplanes ODA via FAA Form 8100–9.

Request for Clarification of the Termination of Inspection for Repaired Area for Group 1 Airplanes

All Nippon Airways (ANA) requested we clarify if, for Group 1 airplanes as identified in paragraph 1.A.1 ''Effectivity,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, areas repaired using Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, is terminating action for the repaired area. ANA pointed out that table 1 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, includes this wording.

We agree to provide clarification. Accomplishing a repair in accordance with Part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, also terminates the inspection of the repaired area for Group 1 airplanes. We have added new paragraph (g)(2) to this AD to specify that repairs done in accordance with Part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, terminate the inspection required by paragraph (g) of this AD in only the repaired area for Group 1 airplanes only.

Request To Include Provisions for Airplanes Previously Inspected, Modified, and/or Repaired

SWA requested that we revise the NPRM to include provisions for airplanes that were previously inspected, modified, and/or repaired using step 3 of the Accomplishment Instructions of Boeing Service Bulletin 737–53–1306, dated September 22, 2010; Revision 1, dated March 17, 2010; Revision 2, dated October 25, 2011; or Revision 3, dated January 22, 2014; as terminating action for the inspections required by paragraph (g) of the proposed AD, as well as any documented deviations that were approved by the Boeing ODA via an FAA Form 8100–9.

SWA stated that step 3 of Boeing Service Bulletin 737–53–1306 (all revisions) includes inspection, preventive modification, and repair instructions for the window corner locations addressed by the proposed AD. Figures 8 through 10 of Boeing Service Bulletin 737–53–1306 (all revisions) provide inspection and preventive modification instructions, which also include instructions for a fastener oversize repair, edge margin requirements, and window forging replacement. Figures 13 through 18 provide external reinforcing repair instructions. Figures 40 through 43 were added in Boeing Service Bulletin 737–53–1306, Revision 3, dated January 22, 2014, to incorporate the option to replace the window belt panels in lieu of accomplishing the window corner inspections, preventive modification, and approved repairs. SWA stated that it considers the instructions in Step 3 of Boeing Service Bulletin 737–53–1306 (all revisions) to meet the intent of the proposed AD since the instructions address and eliminate the unsafe condition that prompted the proposed AD.

We do not agree to revise this AD because Boeing Service Bulletin 737–53–1306 is specific for SWA. We do not consider it appropriate to include various provisions in an AD applicable only to a single operator's unique configuration of affected airplanes. However, SWA may submit a request for an approval of an AMOC using the procedures specified in paragraph (l) of this AD. We have not changed this AD in this regard.

Requests To Clarify Required Actions

SWA and ANA requested that we clarify which actions specified in Boeing Alert Service Bulletin 737–

53A1328, dated July 22, 2014, are required. SWA stated that paragraph (j)(3) of the proposed AD (paragraph (l)(3) in this AD) indicates that steps identified as ''RC'' (Required for Compliance) in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, must be accomplished ''in order to comply with this AD.''

The commenters noted that there are ''RC'' steps in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, that are not clearly addressed in the proposed AD. SWA noted that Parts 7 and 8 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, contain steps that are identified as ''RC;'' however, the proposed AD does not mention the compliance times for these actions. SWA stated that Part 7 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, provides window frame replacement instructions, and steps 5 and 6 in Part 8 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, provide post-repair/post-modification inspection instructions for window frames with short edge margin conditions at the compliance times specified in tables 3, 4, and 8 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. SWA assumed that actions identified in Table 3 and Table 8 are not required for compliance and that the actions identified in Table 4 are required for compliance. SWA also pointed out that step 10 of Part 2 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, is not ''RC,'' but could result in accomplishment of Part 7 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, which has ''RC'' steps.

We agree to clarify the actions required by this AD. The post-modification and post-repair inspections identified in Table 4 and Table 5 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, are required by this AD. The accomplishment instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, are unclear. Therefore, we have added new paragraph (i) to this AD to specify the actions identified in Table 4 and Table 5 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. We have redesignated subsequent paragraphs accordingly.

Regarding Part 7 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, if operators chose to do the modification, certain actions specified in Part 3, Part 4, and Part 5 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, are identified as ''RC'' steps. Within those steps, there is an on-condition action, which specifies to do Part 7; thus, step 1 of Part 7 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014 is required for compliance.

Steps 2, 3, and 4 of Part 8 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, are referenced in Table 3 and Table 8 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, and are not required by this AD. We have added new paragraph (k) of this AD to clarify that the post-modification inspections specified in Table 3 and Table 8 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, are airworthiness limitations that are required by maintenance and operational rules; therefore, these inspections are not required by this AD. We have redesignated subsequent paragraphs accordingly.

Request To Clarify Office Responsible for AMOCs

ANA requested that we clarify the office responsible for AMOCs. ANA stated that paragraph (j) of the proposed AD specifies that the Seattle ACO has the authority to approve AMOCs. However, ANA noted it has seen other ADs for out of production airplanes that refer to the Los Angeles ACO.

We agree to clarify. The Los Angeles ACO is currently responsible for AMOCs for the airplanes identified in this AD. We have revised paragraphs (l)(1) and (l)(4) of this AD (paragraphs (j)(1) and (j)(4) of the proposed AD) to refer to the Los Angeles ACO.

Requests for Clarification of Incorrect References

Boeing and SWA requested that we clarify incorrect references in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. The commenters stated that note (e) in Figure 5 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, incorrectly references table 2 of paragraph 3.B., Work Instructions, for post repair/modification inspections of short edge margins on window frames. The commenters stated that these references should be to table 3 of paragraph 3.B., Work Instructions. Boeing also identified the notes in figures 9, 10, 11, and 12 as additional locations where the reference to table 2 should be to table 3. The commenters requested that we clarify in this AD that repeat post repair and modification inspections for window frames with short edge margins are defined in table 3 rather than table 2 of paragraph 3.B, Work Instructions, in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014.

We agree with the commenters that the identified table references in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, are incorrect. We have added new paragraphs (j)(3) and (j)(4) to this AD to specify the correct table references. We have also added new paragraph (j)(5) to this AD to clarify that operators must comply with the edge margin requirements in Table 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. We have also revised paragraphs (g) and (h) of this AD to include references to paragraphs (j)(3), (j)(4), and (j)(5) of this AD.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/be866b732f6cf31086257b9700692796/$FILE/ST01219SE.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 ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' 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 changes 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 737–53A1328, dated July 22, 2014. The service information describes procedures for HFEC inspections for

fatigue cracking in certain fastener locations in the window corners of the window belt area, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 142 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS: REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 2,312 work-hours × $85 per hour = $196,520 per inspection cycle.	$0	Up to $196,520 per inspection cycle.	Up to $27,905,840 per inspection cycle.

ESTIMATED COSTS: REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product
Preventive modification	108 work-hours × $85 per hour = $9,180	$0	$9,180

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 18 work-hours × $85 per hour = $1,530 per repair	$0	Up to $1,530 per repair.

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):

2016–06–04 The Boeing Company: Amendment 39–18435 ; Docket No. FAA–2015–0495; Directorate Identifier 2014–NM–172–AD.

(a) Effective Date

This AD is effective April 22, 2016.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/be866b732f6cf31086257b9700692796/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE 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 fatigue cracking at certain fastener locations in the window corners of the window belt area. We are issuing this AD to detect and correct fatigue cracking around the fastener

locations that could cause multiple window corner skin cracks, which could result in rapid decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Inspections

At the applicable time specified in tables 1 and 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, except as required by paragraph (j)(1) of this AD: Do external surface high frequency eddy current (HFEC) inspections for cracking of the skin at the 12 fastener locations at the upper forward and lower aft corners of each window between station (STA) 360 and STA 540 and at the upper aft and lower forward corners of each window between STA 727 and STA 908, left-side and right-side of the fuselage, at and between stringers S–11 and S–13; and all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, except as required by paragraphs (j)(2), (j)(3), (j)(4), and (j)(5) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections at the applicable times specified in tables 1 and 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014. Accomplishing the preventive modification specified in paragraph (h) of this AD terminates the repetitive inspections required by this paragraph at the modified location only.

(1) The inspections required by the introductory text of paragraph (g) of this AD may be terminated in areas with repairs installed prior to the effective date of this AD, provided the repairs are reinforcing and address the cracking issue identified in this AD, and installation was approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) via FAA Form 8100–9.

(2) For Group 1 airplanes identified in Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014: Window corner crack repairs terminate the inspection required by the introductory text of paragraph (g) of this AD in the repaired area only. The repair, including all applicable related investigative and corrective actions, must be done in accordance with Part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, except as required by paragraphs (j)(2), (j)(3), (j)(4), and (j)(5) of this AD.

(h) Preventive Modification

Accomplishment of a preventive modification in the fastener locations in the window corners of the window belt area between STA 360 and STA 540 and between STA 727 and STA 908, left-side and right-side of the fuselage, at and between stringers S–11 and S–13, terminates the inspections required by paragraph (g) of this AD at the modified location only. The modification, including all applicable related investigative and corrective actions, must be done in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, except as required by paragraphs (j)(2), (j)(3), (j)(4), and (j)(5) of this AD.

(i) Repetitive Inspections, Replacements, and Corrective Actions

For airplanes having any condition identified in Table 4 or Table 5 of paragraph l.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014: At the applicable times specified in Table 4 and Table 5 of paragraph l.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, do a window frame replacement or an internal detailed inspection for cracks of the window forging around the fastener collars, as applicable, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, except as required by paragraphs (j)(2), (j)(3), (j)(4), and (j)(5) of this AD. Repeat the inspections at the applicable times specified in table 4 and table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014.

(j) Exceptions to the Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, 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.

(2) Where Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, specifies to contact Boeing for repair instructions: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Although Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, specifies to contact Boeing for repair instructions, and specifies that action as Required for Compliance (RC), this AD requires repair as specified in this paragraph.

(3) Where note (e) of Figure 5 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, specifies to ''Refer to Paragraph 3.B., Work Instructions, Table 2 for edge margin requirements,'' operators must comply with Table 3 of paragraph 3.B., ''Work Instructions,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, for edge margin requirements.

(4) Where the notes for fastener codes A and B in figures 9, 10, 11, and 12 of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, refer to ''Paragraph 3.B., Work Instructions, Table 2'' for edge margin requirements, operators must comply with Table 3 of paragraph 3.B., ''Work Instructions,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, for edge margin requirements.

(5) Where note (e) of figures 6, 7, and 8 and step 1.a.(1) of Part 5 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, specifies to ''Refer to Paragraph 3.B., Work Instructions, Table 3 for edge margin requirements,'' operators must comply with Table 3 of paragraph 3.B., ''Work Instructions,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, for edge margin requirements.

(k) Post-Repair Inspections/Post-Modification Inspections

Table 3 and Table 8 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014, specify post-modification airworthiness limitation inspections in compliance to 14 CFR 25.571(a)(3) at the modified locations, which support compliance with 14 CFR 121.1109(c)(2) or 129.109(b)(2). As airworthiness limitations, these inspections are required by maintenance and operational rules. It is therefore unnecessary to mandate them in this AD. Deviations from these inspections require FAA approval, but do not require an alternative method of compliance.

(l) Alternative Methods of Compliance (AMOCs)

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

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

(3) Except as required by paragraph (j)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (l)(3)(i) and (l)(3)(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 this 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.

(4) 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 ODA that has been authorized by the Manager, Los Angeles ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(m) Related Information

For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

(n) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1328, dated July 22, 2014.

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

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

Issued in Renton, Washington, on March 7, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–05842 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2017

[Docket Number USTR–2016–0002]

RIN 0350–AA07

Establishment of a Petition Process To Review the Eligibility of Countries Under the African Growth and Opportunity Act (AGOA)

AGENCY: Office of the United States Trade Representative.

ACTION: Interim final rule with request for comments.

SUMMARY: The Trade Preferences Extension Act of 2015 (TPEA) requires the President to establish a petition process to review the eligibility of countries for the benefits of the African Growth and Opportunity Act (AGOA). This authority has been delegated to the Office of the United States Trade Representative (USTR).

DATES: The interim final rule is effective on March 18, 2016. USTR will accept comments on the interim final rule in writing on or before April 18, 2016.

ADDRESSES: All comments must be submitted electronically at *www.regulations.gov,* docket number USTR–2016–0002.

FOR FURTHER INFORMATION CONTACT: For procedural questions, please contact Yvonne Jamison, Trade Policy Staff Committee, at 202–395–3475. Direct all other questions to Constance Hamilton, Deputy Assistant U.S. Trade Representative for African Affairs, at *Constance_Hamilton@ustr.eop.gov* or 202–395–9514.

SUPPLEMENTARY INFORMATION:

I. Background

The AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106–200) (19 U.S.C. 2466a *et seq.*), as amended, contains provisions for enhanced trade benefits for eligible sub-Saharan African countries.

Section 506(c) of the TPEA, which was signed into law on June 29, 2015 (Pub. L. 114–27, sec. 105(d)(3), 129 Stat. 366–367)), requires the President to establish a process to allow any interested person, at any time, to file a petition with USTR concerning the compliance of any sub-Saharan African country listed in section 107 of the AGOA (19 U.S.C. 3706), with the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703) and the eligibility criteria set forth in section 502 of the Trade Act of 1974 (19 U.S.C. 2462). On February 26, 2016, the President delegated this authority to USTR. *See* E.O. 13720 of Feb. 26, 2016, 81 FR 11087, Mar. 2, 2016.

II. Analysis of the Interim Final Rule

The interim final rule adds 15 CFR part 2017. The new Part 2017 establishes a petition process that supplements the annual (normal cycle) request for public comments on whether a beneficiary sub-Saharan African country is meeting the eligibility criteria and requirements of the AGOA program (*see, e.g.,* 80 FR 48951, Aug. 14, 2015).

Section 2017.0 defines acronyms used throughout Part 2017.

Section 2017.1 permits any interested party to submit a petition, at any time, regarding whether a beneficiary sub-Saharan African country meets the eligibility requirements in section 104 of the AGOA and the eligibility criteria in section 502 of the Trade Act of 1974. It requires that a petition adequately identify the country and the concern. A petition indicating the existence of exceptional circumstances warranting an out-of-cycle review must contain a statement of reasons explaining why an out-of-cycle review is warranted.

Section 2017.2 explains how USTR will process petitions. USTR will consider petitions filed in accordance with the public comment period of the annual (normal cycle) review of all beneficiary countries in conjunction with that review. USTR will consider petitions filed outside of that time frame in the next (normal cycle) annual review. If USTR receives a petition outside of the annual (normal cycle) review process that indicates the existence of exceptional circumstances, the AGOA Implementation Subcommittee will consider whether there is a basis for the initiation of an out-of-cycle review and make recommendations to the Trade Policy Staff Committee, which will, in turn, advise the U.S. Trade Representative. If the U.S. Trade Representative finds that there are exceptional circumstances warranting an out-of-cycle review, within 30 days of that determination USTR will announce a schedule for the review in the **Federal Register**.

Section 2017.3 requires USTR to publish a summary of the actions taken in response to petitions in the **Federal Register**. The notice also will include a list of pending petitions upon which no decision has been made.

Section 2017.4 provides that all submitted materials will be made available for public inspection at *www.regulations.gov* other than appropriately designated confidential business information.

The TPEA extended the AGOA until September 30, 2025. *See* Pub. L. 114–27, sec. 103, 129 Stat. 364, June 29, 2015. Section 2017.5 provides that the AGOA petition process will expire on that date unless extended by statute.

III. Requirements for Submission

All submissions must be in English and must be submitted electronically via *http://www.regulations.gov.* USTR will not accept hand-delivered submissions. To make a submission using *http://www.regulations.gov,* enter the docket number USTR–2016–0002 in the ''Search for'' field on the home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' in the ''Filter Results by'' section on the left side of the screen and click

on the link entitled ''Comment Now.'' The *http://www.regulations.gov* Web site offers the option of providing comments by filling in a ''Type Comment'' field or by attaching a document using the ''Upload file(s)'' field. (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page.) The *http://www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comment'' field or by attaching a document using the ''Upload file(s)'' field. The AGOA Implementation Subcommittee prefers that submissions be provided in an attached document.

Business Confidential Submissions

USTR will grant business confidential status to information you submit if you certify that you would not customarily release the information to the public and clearly designate it as confidential business information. You must mark your submission ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and on each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, you must include ''Business Confidential'' in the ''Type Comment'' field. If you submit a comment containing business confidential information, you also must submit a separate non-confidential version that is not a part of the same submission as the confidential version, indicating where confidential information has been redacted. The non-confidential version will be placed in the docket and open to public inspection.

Public Inspection

All comments we receive, except for information granted ''business confidential'' status, will be available for public viewing without change, including any personal information you provide, such as your name and address. You can find the comments by entering docket number USTR–2016–0002 in the search field at *www.regulations.gov.*

IV. Notice and Public Participation

USTR is promulgating these changes as an interim final rule in order to meet the statutory deadline for establishment of a petition process. Accordingly, USTR for good cause finds that the notice and publication requirements of the Administrative Procedure Act are unnecessary. *See* 5 U.S.C. 553(b)(3)(B). However, because this type of rulemaking generally requires notice and receipt of public comment, USTR will accept written comments on the interim final rule on or before April 18, 2016.

V. Effective Date

For the reasons stated in part IV above, USTR for good cause finds that the interim final rule should become effective on March 18, 2016. *See* 5 U.S.C. 553(d)(3).

VI. Regulatory Flexibility Act

USTR is adopting 15 CFR part 2017 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. *See* 5 U.S.C. 601(2), 603(a).

VII. Paperwork Reduction Act

The interim final rule does not contain any collections of information under the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Consequently, USTR has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 15 CFR Part 2017

Administrative practice and procedure, Confidential business information, Foreign trade.

■ For the reasons stated in the preamble, USTR amends 15 CFR by adding part 2017 to read as follows:

PART 2017—PETITION PROCESS TO REVIEW ELIGIBILITY OF COUNTRIES UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)

Sec.
2017.0 Definitions.
2017.1 Petition for review.
2017.2 Action following receipt of a petition.
2017.3 Publication regarding petitions.
2017.4 Public inspection.
2017.5 Expiration.

Authority: 19 U.S.C. 2466a *et seq.;* Pub. L. 114–27, sec. 105(d)(3), 129 Stat. 366–367, June 29, 2015; E.O. 13720 of Feb. 26, 2016, 81 FR 11087, Mar. 2, 2016

§ 2017.0 Definitions.

For purposes of this part:

AGOA means the African Growth and Opportunity Act, as amended (Title I of the Trade and Development Act of 2000, Pub. L. 106–200) (19 U.S.C. 2466a *et seq.*).

TPC means the Trade Policy Committee.

TPRG means the Trade Policy Review Group.

TPSC means the Trade Policy Staff Committee.

USTR means the Office of the United States Trade Representative.

§ 2017.1 Petition for review.

(a) Any person may submit a petition to USTR in accordance with this section with respect to the compliance of any country listed in section 107 of the AGOA (19 U.S.C. 3706), with the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703) and the eligibility criteria set forth in section 502 of the Trade Act of 1974 (19 U.S.C. 2462).

(b) A petition must:

(1) Identify the sub-Saharan African country that would be subject to the review;

(2) Indicate the specific eligibility requirement or criterion that the petitioner believes warrants review; and

(3) Include all available supporting arguments and information to explain why review is warranted.

(c) A petition requesting an out-of-cycle review under section 111(d)(4) of the AGOA (19 U.S.C. 2466a(d)(4)) must contain a statement indicating the existence of exceptional circumstances warranting the out-of-cycle review.

(d) The TPSC may request additional information.

§ 2017.2 Action following receipt of a petition.

(a) USTR will consider a petition received in accordance with the schedule published in the **Federal Register** for the annual (normal cycle) AGOA review process under section 111 of the AGOA (19 U.S.C. 2466a) in conjunction with that annual review.

(b) Except as provided in paragraph (c) of this section, USTR will consider a petition received at any time other than the time described in paragraph (a) of this section, in accordance with the schedule published in the **Federal Register** for the next annual (normal cycle) AGOA review process.

(c)(1) If a petition received at any time other than the time described in paragraph (a), requests an out-of-cycle review under section 111(d)(4) of the AGOA (19 U.S.C. 2466a(d)(4)), within 60 days:

(i) The AGOA Implementation Subcommittee will review the petition and report to the TPSC whether there are exceptional circumstances warranting an out-of-cycle review;

(ii) The TPSC will conduct further review as necessary;

(iii) The TPSC Chair will report the results of the TPSC review to the U.S. Trade Representative; and

(iv) The U.S. Trade Representative may convene the TPRG or the TPC for further review of the TPSC recommendations and other decisions.

(2) If the U.S. Trade Representative finds that there are exceptional

circumstances warranting an out-of-cycle review, within 30 days of that determination USTR will announce a schedule for the review in the **Federal Register**. The schedule will include the deadline and guidelines for any party to submit written comments supporting, opposing or otherwise commenting on any proposed action.

(3) For any out-of-cycle review initiated under this paragraph (c), the AGOA Implementation Subcommittee will consider public input received by the applicable deadline and any other relevant information and report to the TPSC. The TPSC will conduct further review as necessary and prepare recommendations for the U.S. Trade Representative. The U.S. Trade Representative may convene the TPRG or the TPC for further review of recommendations and other decisions. The U.S. Trade Representative will make recommendations to the President, which may include a recommendation that no action be taken.

§ 2017.3 Publication regarding petitions.

USTR will publish in the **Federal Register**:

(a) A list of actions taken in response to a petition, such as the publication of a Presidential proclamation modifying the designation of a country or the application of duty-free treatment with respect to articles from a country pursuant to the AGOA; and

(b) A list of petitions upon which no decision was made, and thus which are pending further review.

§ 2017.4 Public inspection.

USTR will make publicly available at *www.regulations.gov:*

(a) Any written request, brief or similar submission of information made pursuant to this part; and

(b) Any stenographic record of any public hearing that may be held pursuant to this part.

(c)(1) USTR will grant business confidential status and withhold from public disclosure the information submitted if the petitioner certifies that the information customarily would not be released to the public and clearly designates the information as confidential business information.

(2) To request business confidential status the petitioner must mark the submission ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and on each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential.

(3) If the submission contains business confidential information, the petitioner also must submit a non-confidential version or summary, indicating where confidential information has been redacted, and a written explanation of why the material should be protected.

(4) The non-confidential version or summary will be made publicly available at *www.regulations.gov.*

(5) A request for exemption of any particular information may be denied if it is determined that such information is not entitled to exemption under law. In the event of such a denial, the information will be returned to the person who submitted it, with a statement of the reasons for the denial.

§ 2017.5 Expiration.

The Trade Preferences Extension Act of 2015 extended the AGOA until September 30, 2025 (Pub. L. 114–27, sec. 103, 129 Stat. 364). Accordingly, this Part will expire on that date unless extended by statute.

Florizelle Liser,

Assistant U.S. Trade Representative for African Affairs.

[FR Doc. 2016–06127 Filed 3–17–16; 8:45 am]

BILLING CODE 3290–F6–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 189 and 700

[Docket No. FDA–2004–N–0188; (Formerly 2004N–0081)]

RIN 0910–AF47

Use of Materials Derived From Cattle in Human Food and Cosmetics

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; adoption of interim final rule as final with amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is issuing a final rule prohibiting the use of certain cattle material to address the potential risk of bovine spongiform encephalopathy (BSE) in human food, including dietary supplements, and cosmetics. We have designated the following items as prohibited cattle materials: Specified risk materials (SRMs), the small intestine from all cattle (unless the distal ileum has been removed), material from nonambulatory disabled cattle, material from cattle not inspected and passed, or mechanically separated (MS) (Beef). We are taking this action to minimize human exposure to certain cattle material that could potentially contain the BSE agent.

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

FOR FURTHER INFORMATION CONTACT: Johnny Braddy, Center for Food Safety and Applied Nutrition (HFS–315), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1709.

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Purpose of the Rule

BSE is a fatal neurological disorder of cattle that has a long incubation period (2 to 8 years). It is transmitted when cattle ingest protein meal containing the BSE infectious agent. Cattle affected by BSE are usually apart from the herd and will show progressively deteriorating behavioral and neurological signs. Cattle will react excessively to noise or touch and will eventually stumble, fall, and experience seizures, coma, and death. Studies have linked variant Creutzfeldt-Jakob disease (vCJD) in humans to exposure to the BSE agent, most likely through human consumption of beef products contaminated with the BSE agent. There is no known treatment of vCJD, and it is invariably fatal.

The final rule completes a rulemaking process that began with an interim final rule (IFR) in 2004 and was followed by IFRs in 2005 and 2008. The final rule establishes measures to prohibit the use of certain cattle material in FDA-regulated human food and cosmetics to address the potential risk of BSE. Because the United States has had measures in place to prevent the introduction and spread of BSE, including those affirmed in this rule, the risk of human exposure to the BSE agent from FDA-regulated human food and cosmetics is negligible.

B. Legal Authority

We are issuing these regulations under the adulteration provisions in sections 402, 409, 601, and under section 701 (21 U.S.C. 342, 348, 361, and 371) of the Federal Food, Drug, and Cosmetic Act (FD&C Act).

C. Summary of the Major Provisions of the Rule

The final rule provides definitions for prohibited cattle materials and prohibits their use in human food, dietary supplements, and cosmetics, to address the potential risk of BSE. We designate the following items as prohibited cattle materials: SRMs, the small intestine from all cattle unless the distal ileum has been properly removed, material from nonambulatory disabled cattle,

material from cattle not inspected and passed, or MS (Beef). We also confirm that milk and milk products, hides and hide-derived products, tallow that contains no more than 0.15 percent insoluble impurities, and tallow derivatives are not prohibited cattle materials. Further, we are amending the final rule to provide a definition of gelatin and to clarify that gelatin is not considered a prohibited cattle material under 21 CFR 189.5(a)(1) and 700.27(a)(1) as long as it is manufactured using the customary industry processes specified. Finally, we are finalizing the process for designating a country as not subject to BSE-related restrictions applicable to FDA regulated human food and cosmetics. Specific requirements regarding record maintenance, retention, and accessibility, for manufacturers and processors of a human food or cosmetic product made with material from cattle were previously finalized (see 71 FR 59653).

D. Costs and Benefits

This final rule reaffirms the provisions in the 2004 IFR, as well as the 2005 and 2008 amendments, to address the potential risk of BSE in human food including dietary supplements, and in cosmetics. As the final rule's coverage does not differ from the 2004 IFR and the 2005 and 2008 amendments, no additional costs or benefits will accrue from this rulemaking.

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I. Introduction—what is BSE?

BSE is a progressive and fatal neurological disorder of cattle caused by an unconventional transmissible agent. BSE belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). In the late stages of disease, all TSEs affect the central nervous system of infected animals. However, the distribution of infectivity in the body of the animal and mode of transmission differ according to the species and TSE agent. Other types of TSEs include scrapie in sheep and goats, chronic wasting disease in deer and elk, and Creutzfeldt-Jakob disease (CJD) in humans.

BSE has a long incubation period (2 to 8 years), and is most likely transmitted when tissues from infected cattle are rendered and processed into protein meal, which is then used as an additive in livestock feed (Refs. 1 and 2). The clinical signs of BSE include behavioral, gait, and postural abnormalities. Cattle with the disease often present with increased apprehension, increased reaction to sound and touch, and a swaying gait. These signs may be accompanied by subtle changes in the normal behavior of the cow, such as separation from the herd while at pasture, disorientation, staring, and excessive licking of the nose or flanks. The disease progresses to stumbling and falling, and ends with seizures, coma, and death (Ref. 3).

Scientific and epidemiological studies have linked vCJD in humans to exposure to the BSE agent, most likely through human consumption of beef products contaminated with the agent. In several cases that occurred in the United Kingdom (UK), it is believed that the persons became infected through transfusion of blood from an asymptomatic infected donor. There is no known treatment of vCJD, and it is invariably fatal (Ref. 4).

As of June 2, 2014, vCJD has been identified in 229 patients from 12 countries. One hundred seventy-seven probable and confirmed cases of vCJD have been reported in the UK, 27 in France, 5 in Spain, 4 in Ireland, 4 in the United States, 3 in the Netherlands, 2 in Portugal, 2 in Italy, 2 in Canada, and one each from Japan, Saudi Arabia, and Taiwan (Ref. 5). In two of the four U.S. cases, exposure to the BSE agent is believed to have occurred while the individuals were residing in the UK. A third case was likely exposed while residing in Saudi Arabia. An investigation of the fourth case found that the patient's exposure to the BSE agent likely occurred before the patient moved to the United States (Ref. 5). In the United States, where measures to prevent the introduction and spread of BSE have been in place for some time, the risk of human exposure to the BSE agent is extremely low. Indeed, in May 2013, the World Organization for Animal Health (OIE) recognized the effectiveness of these mitigation measures and categorized the United States as negligible BSE risk, in accordance with Chapter 11.4 of the OIE Terrestrial Animal Health Code (Refs. 6 and 7).

II. Background—what is the history for this rulemaking?

In the **Federal Register** of July 14, 2004 (69 FR 42256), we issued an IFR entitled ''Use of Materials Derived From Cattle in Human Food and Cosmetics'' (also referred to as ''the 2004 IFR'') to prohibit the use of certain cattle material, to address the potential risk of BSE in human food, including dietary supplements, and cosmetics. The 2004 IFR designated the following items as prohibited cattle materials: SRMs, the small intestine from all cattle, material from nonambulatory disabled cattle, material from cattle not inspected and passed or MS (Beef). SRMs include the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine from all cattle. These restrictions were codified at § 189.5, ''Prohibited cattle materials,'' and § 700.27, ''Use of prohibited cattle materials in cosmetic products.'' The requirements in §§ 189.5 and 700.27 are almost identical, except that the latter pertains only to cosmetic products.

Previously, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) published an IFR in the **Federal Register** on January 12, 2004 (69 FR 1862) (FSIS IFR). The FSIS IFR prohibited certain cattle material from use in meat and meat products. The FSIS IFR designated the same items as SRMs as specified in FDA's 2004 IFR. In the **Federal Register** of July 13, 2007, FSIS affirmed the FSIS IFR with amendments (72 FR 38700) (''2007 FSIS affirmation''). In the **Federal Register** of September 7, 2005 (70 FR 53063), we amended our regulations to permit the use of the small intestine of cattle in human food and cosmetics provided the distal ileum portion has been removed properly (also referred to as the ''2005 amendment''). The 2005 amendment also clarified that milk and milk products, hides and hide-derived products, and tallow derivatives are not prohibited cattle materials, and we provided for a different method for

determining impurities in tallow. FSIS also amended its regulations on September 7, 2005, to permit the use of the small intestine of cattle in human food provided the distal ileum is removed properly (70 FR 53043).

In the **Federal Register** of April 17, 2008 (73 FR 20785), we amended our regulations again to provide a process for designating certain countries as not subject to certain BSE-related restrictions (also referred to as the ''2008 amendment''). FSIS provided a similar country-specific exception from certain BSE restrictions covered in its regulations.

We also published a notice in the **Federal Register** on March 4, 2013 (78 FR 14012) (also referred to as the 2013 notice), reopening the comment period for the interim final rule. We invited comment on our assessment of recently published peer-reviewed scientific studies in which trace amounts of BSE infectivity were found in parts of the small intestines other than the distal ileum of cattle with both experimental and natural occurring BSE.

In this rule, we are finalizing, with changes related to gelatin, the 2004 IFR, as amended in 2005 and 2008, to restrict certain cattle materials used in human foods and cosmetics that carry a risk of transmitting BSE. The final rule complements similar restrictions that apply to meat and meat products regulated by USDA.

III. What is the legal authority for this rulemaking?

We are issuing these regulations under the adulteration provisions in sections 402, 409, 601, and under section 701 of the FD&C Act.

Under section 402(a)(3) of the FD&C Act, a food is deemed adulterated ''if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.'' The term ''otherwise unfit for food'' in section 402(a)(3) of the FD&C Act does not require that a food be filthy, putrid, or decomposed for it to be ''otherwise unfit for food.'' A food can be ''otherwise unfit for food'' based on health risks. Further, the possibility of disease transmission to humans from exposure to prohibited cattle material, SRM, MS Beef, material from nonambulatory disabled cattle, and material from cattle not inspected and passed) may present a risk to human health. Under section 402(a)(3) of the FD&C Act, these materials are unfit for food. Under section 402(a)(4) of the FD&C Act, a food is adulterated ''if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.'' The failure to ensure that food is prepared, packed, or held under conditions in which prohibited cattle materials do not contaminate the food constitutes an insanitary condition whereby it may have been rendered injurious to health and thus renders the food adulterated under section 402(a)(4) of the FD&C Act. Under section 402(a)(5) of the FD&C Act, food is deemed adulterated if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter. Some cattle are not inspected and passed because they have died before slaughter. Material from cattle that die otherwise than by slaughter is adulterated under section 402(a)(5) of the FD&C Act. As further explained in the 2004 IFR, prohibited cattle materials for use in human food are food additives subject to section 409 of the FD&C Act, except when used as dietary ingredients in dietary supplements. The use or intended use of any prohibited cattle material in human food, except for dietary ingredients in dietary supplements, causes the material and the food to be adulterated under section 402(a)(2)(C) of the FD&C Act.

Under section 601(c) of the FD&C Act, a cosmetic is adulterated ''if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.'' The failure to ensure that a cosmetic is prepared, packed, or held under conditions in which prohibited cattle materials do not contaminate the cosmetic constitutes an insanitary condition whereby it may have been rendered injurious to health and, thus, renders the cosmetic adulterated under section 601(c) of the FD&C Act.

Under section 701(a) of the FD&C Act, we may issue regulations for the efficient enforcement of the FD&C Act. A regulation that requires measures to prevent human food from being unfit for food, from being or bearing an unsafe food additive, from being the product of an animal that died otherwise than by slaughter, and to prevent human food and cosmetics from being held under insanitary conditions, allows for efficient enforcement of the FD&C Act.

IV. What comments did we receive? What are our responses?

We received approximately 1,464 comments, each containing one or more issues, to the 2004 IFR, and approximately 20 comments, each containing one or more issues, to the 2005 and 2008 amendments, and 31 comments to the 2013 notice. Animal welfare advocacy organizations, private consultants, consumer groups, foreign governments, Members of Congress, industry, and consumers submitted comments. Comments previously addressed in the 2005 and 2008 amendments, and comments addressing issues outside the scope of this rulemaking (*e.g.,* those addressing potential concerns regarding diseases other than BSE; those addressing animal welfare concerns, which are covered in the Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 *et seq.*) and administered by USDA); the prohibition of the use of materials from nonambulatory animals other than cattle (*i.e.,* deer, elk, and sheep); and those responding to rules issued by other federal agencies will not be addressed in this document.

To make it easier to identify the comments and FDA's responses, the word ''Comment,'' in parentheses, appears before the comment's description and the word ''Response,'' in parentheses, appears before FDA's response. Each comment is numbered to help distinguish between different comments. The number assigned to each comment is purely for organizational purposes and does not signify the comment's value or importance.

A. Definitions (§§ 189.5(a) and 700.27(a))

Sections 189.5(a) and 700.27(a) state that the definitions and interpretations of terms in section 201 of the FD&C Act apply (21 U.S.C. 321) and also define the following terms: ''prohibited cattle materials,'' ''inspected and passed,'' ''mechanically separated,'' ''nonambulatory disabled cattle,'' ''specified risk material,'' ''tallow,'' ''tallow derivative,'' and ''gelatin.'' Several comments pertained to our regulatory definitions, and we discuss those comments here.

1. ''Prohibited Cattle Materials'' (§§ 189.5(a)(1) and 700.27(a)(1))

The 2004 interim final rule defined ''prohibited cattle materials'' as specified risk materials, small intestine of all cattle, material from nonambulatory disabled cattle, material from cattle not inspected and passed, or MS (Beef). The 2004 IFR also defined ''prohibited cattle material'' as not to include tallow that contains ''no more than 0.15 percent hexane-insoluble impurities and tallow derivatives.'' The 2005 amendment made an exception in the case of the small intestine such that the small intestine would not be considered prohibited cattle material if the distal ileum is removed by a

procedure that removes at least 80 inches of the uncoiled and trimmed small intestine in a manner specified in § 189.5(b)(2) (or, in the case of § 700.27, § 700.27(b)(2)) and also changed ''hexane-insoluble'' to ''insoluble'' in the definition of ''tallow.'' The 2005 amendment also excluded hides and hide-derived products, and milk and milk products from the definition of ''prohibited cattle materials.'' The 2008 amendment provided that FDA may designate a country as not subject to certain BSE-related restrictions applicable to FDA regulated human food and cosmetics.

We did not receive comments specific to the definition of ''prohibited cattle materials at §§ 189.5(a)(1) and 700.27(a)(1), and we have finalized that portion of the definition without change.

a. Tallow, Tallow Derivatives, Gelatin, Hides and Hide-Derived Products, and Milk and Milk Products (§§ 189.5(a)(1)(i) and 700.27(a)(1)(i))

(Comment 1) One comment supported the exclusion of hides and hide-derived products from the definition of prohibited cattle materials but said that we need to address the possible cross-contamination of hides and other non-prohibited cattle materials with prohibited cattle materials during slaughter and processing.

(Response 1) As noted in the 2005 amendment, manufacturers and processors must take precautions to avoid cross contamination of hides and other non-prohibited cattle material with prohibited cattle material during slaughter and processing (70 FR 53063 at 53066). Further, food establishments are subject to the current good manufacturing practice requirements (CGMPs) at 21 CFR part 110, and the failure to take adequate measures to prevent cross-contamination could result in insanitary conditions whereby the food may be rendered injurious to health and, therefore, adulterated under section 402(a)(4) of the FD&C Act.

(Comment 2) While most comments found the clarification as to the allowable composition of tallow source material used in tallow derivatives in the preamble to the 2005 amendment helpful, one comment suggested that we revise the definition of ''prohibited cattle materials'' to state that: ''Prohibited cattle materials do not include tallow that contains no more than 0.15 percent insoluble impurities, tallow derivatives (regardless of the source of tallow), hides and hide-derived products, and milk and milk products.''

(Response 2) We understand that the intent of the parenthetical ''regardless of the source of the tallow'' is to make clear that the chemical processes (hydrolysis, transesterification, and saponification) involving high temperature and pressure are sufficiently rigorous even if the starting tallow is, for example, inedible tallow or tallow containing greater than 0.15 percent insoluble impurities. We agree that the processes to produce tallow derivatives are sufficiently rigorous, but believe that by excluding tallow derivatives, without the parenthetical, from the definition of prohibited cattle material, it is clear that we are excluding all tallow derivatives. Prohibited cattle material does not include tallow derivatives. We do not believe the parenthetical ''regardless of the source of tallow'' is needed.

(Comment 3) One comment would revise the definition of prohibited cattle materials to emphasize the rigorousness of the processing involved in the production of tallow derivatives (*i.e.,* transesterification or saponification) to minimize the risk of transmitting TSE agents. The comment was concerned that the ''lack of alignment'' between U.S. and non-U.S. requirements and guidance with respect to tallow derivatives will continue to affect the acceptance of U.S.-origin materials in non-U.S. markets.

(Response 3) We decline to revise the definition as suggested by the comment. Our objective in developing our BSE regulations for human food and cosmetics, including these involving tallow derivatives, is to apply appropriate measures to safeguard life and health and be no more trade restrictive than necessary to achieve the food and cosmetic safety objective. As to the degree of processing involved in producing tallow derivatives, we addressed this subject in the preamble to the 2004 IFR (69 FR 42256 at 42261) and discussed how tallow derivatives are produced by subjecting tallow to chemical processes (hydrolysis, transesterification, and saponification) that involve high temperature and pressure. We further noted in the 2004 IFR that FDA's Transmissible Spongiform Encephalopathy Advisory Committee (TSEAC) considered the safety of tallow and tallow derivatives in 1998 and ''determined that the rigorous conditions of manufacture are sufficient to further reduce the BSE risk in tallow derivatives'' (69 FR 42256 at 42261).

We have revised the list of materials not considered prohibited cattle materials at §§ 189.5(a)(1)(i) and 700.27(a)(1)(i) to include gelatin. To ensure that only gelatin derived from customary industry processes qualifies for this exclusion, §§ 189.5(a)(8) and 700.27(a)(8) of the final rule provide that ''Gelatin means a product that has been obtained by the partial hydrolysis of collagen derived from hides, connective tissue, and/or bone bones of cattle and swine. Gelatin may be either Type A (derived from an acid-treated precursor) or Type B (derived from an alkali-treated precursor) that has gone through processing steps that include filtration and sterilization or an equivalent process in terms of infectivity reduction.''

There has been increasing recognition based on scientific evidence as to the safety of gelatin for human use irrespective of the source materials from which it is made. For example, laboratory studies have indicated that gelatin manufacturing processes are capable of reducing inoculated BSE prion titers by at least six to eight orders of magnitude (Ref. 8). The OIE Code does not recommend any restrictions, regardless of the BSE status of a country, in trade of gelatin prepared from bones and intended for food, cosmetics, pharmaceuticals including biologicals, or medical devices, among other items (Ref. 9). A 2006 scientific panel of the European Food Safety Authority (EFSA)—reviewing a 2003 EFSA Scientific Steering Committee opinion—concluded that there was no support for prohibition of or restrictions on the use of skull and vertebrae of cattle that had passed ante mortem and post mortem inspections in the production of gelatin (Ref. 10). Based on this evidence, we conclude that gelatin manufactured from bovine raw materials using customary industry processes presents a negligible risk of transmitting the agent that causes BSE.

(b) Cattle Materials Inspected and Passed From Designated Countries (§§ 189.5(a)(1)(ii) and 700.27(a)(1)(ii))

(Comment 4) One comment supporting a mechanism to designate countries as not subject to certain BSE-related restrictions (provided under § 189.5(a)(1)(ii)) expressed concerns that interested countries would need to go through separate application and evaluation processes at USDA and FDA for a country to receive a USDA and FDA-granted designation. The comment requested that the application and evaluation procedures used by the different U.S. regulating agencies be streamlined to reduce the potential duplication of time and effort by the applying country.

(Response 4) We understand the concern expressed by the comment.

However, as we explained in the 2008 amendment, FDA and USDA have different regulatory responsibilities with respect to preventing BSE and ensuring food safety (73 FR 20785 at 20788). While we have our own evaluation process, we will consult with USDA as part of this process (73 FR 20785 at 20788). Further, we will take into consideration available risk assessments of other competent authorities in conducting our evaluations (73 FR 20785 at 20788.). Although not required, a previous BSE evaluation performed by USDA's FSIS or Animal and Plant Health Inspection Service (APHIS), or by OIE, or by another country or competent authority, could be used by FDA as part of our review (73 FR 20785 at 20788).

(Comment 5) Several comments from the gelatin industry requested that gelatin be excluded from consideration as a prohibited cattle material. The comments noted that standard industry practice is to produce gelatin using raw materials from animals inspected and passed for human consumption, that SRMs and materials from nonambulatory disabled cattle are excluded, that the safety of gelatin is based on adherence to industry practices, as well as our CGMPs and USDA regulations, and that gelatin made from bovine raw materials undergoes manufacturing processes that inactivate possible BSE infectivity, citing studies by the European Commission (EC) and the Gelatine Manufacturers of Europe. Several comments noted that TSEAC reviewed these studies and concluded on July 17, 2003, that these studies ''demonstrate a reduction in infectivity that is sufficient to protect human health.''

(Response 5) We agree with the comments and have revised §§ 189.5(a)(1)(i) and 700.27(a)(1)(i) to include gelatin in the list of materials not considered ''prohibited cattle materials.'' We are making this change because gelatin manufactured according to customary industry processes present a negligible risk of transmitting the BSE agent and should not be considered ''prohibited cattle materials.''

(Comment 6) Several comments took issue with an FDA statement appearing in the background section to the 2004 IFR that provided certain products, such as gelatin and collagen, ''have traditionally been produced from cattle material deemed inedible by the USDA'' (69 FR 42256 at 42261). The comments pointed out that U.S. raw materials used to produce gelatin come from cattle that have been inspected and passed by USDA for human consumption and are produced in accordance with FDA and USDA regulations, and in accordance with applicable FDA human food CGMPs. These comments further noted that only safe raw materials are used to produce gelatin and that SRMs and materials from nonambulatory disabled cattle are excluded. One comment specifically requested that we publish a correction in the **Federal Register** clarifying that gelatin is not produced from inedible material.

(Response 6) The quoted statement was included in a broader discussion explaining in part why we were extending similar protections to FDA-regulated human foods and cosmetics as USDA had already imposed in USDA-inspected facilities. We agree that gelatin is manufactured from raw materials that have been inspected and passed for human consumption.

(Comment 7) Several comments requested that we clarify whether our gelatin guidance document published in 1997 (Ref. 11) will be revoked or revised in light of this regulation. The comments expressed concern that gelatin manufacturers would face an unnecessary regulatory burden depending on whether the product the gelatin is used in is a food product or dietary supplement, or a pharmaceutical product, or for other FDA-regulated uses. The comments also requested that we explicitly state that our gelatin guidance document is no longer applicable for products intended for oral consumption or cosmetic use by humans.

(Response 7) This final rule supersedes the 1997 guidance with respect to human food and cosmetics. We intend to review the 1997 guidance and will consider withdrawing or revising the guidance, as appropriate, consistent with this final rule.

2. ''Inspected and Passed'' (§§ 189.5(a)(2) and 700.27(a)(2))

The regulations define ''inspected and passed'' as meaning that the product has been inspected and passed for human consumption by the appropriate regulatory authority, and at the time it was inspected and passed, it was found to be not adulterated. We did not receive comments specific to our definition of ''inspected and passed,'' and we have finalized the definition without change.

3. ''Mechanically Separated (MS) (Beef)'' (§§ 189.5(a)(3) and 700.27(a)(3))

The regulations define ''mechanically separated (MS) (beef)'' as a meat food product that is finely comminuted, resulting from the mechanical separation and removal of most bone from the attached skeletal muscle of cattle carcasses or parts of carcasses that meet certain USDA specifications. We did not receive comments specific to our definition of ''(MS) (Beef).''

On our own initiative, we have revised the definition of ''mechanically separated (MS) (Beef)'' to clarify that 9 CFR 319.5, which we cite in §§ 189.5(a)(3) and 700.27(a)(3), refers to a USDA regulation. Thus, the final rule adds ''U.S. Department of Agriculture'' before ''regulation.''

4. ''Nonambulatory Disabled Cattle'' (§§ 189.5(a)(4) and 700.27(a)(4))

The regulations define ''nonambulatory disabled cattle'' as cattle that cannot rise from a recumbent position or that cannot walk, including, but not limited to, cattle with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

(Comment 8) One comment suggested that downer animals should be tested first for BSE and held pending the outcome of the testing before deciding to prohibit the use of material from nonambulatory disabled cattle in human food and cosmetics. If the test results are negative, then the carcass could be used for human food and cosmetics.

(Response 8) This option is not feasible due to the limitations of currently available tests. No validated ante mortem test for BSE currently exists. Available post mortem tests, although useful for disease surveillance purposes in terms of determining the rate of disease in the population of cattle, are not appropriate as a safety indicator for human food or cosmetics because there is a potentially long period in the life of an infected animal where tests using the current methodology would not detect the disease (Refs. 12 through 14). This is due, in part, to limitations on existing testing methods, which rely on the use of post mortem brain tissue. Experimental evidence demonstrates that for cattle infected orally, certain potentially infective tissues (such as the distal ileum and tonsils) are the first tissues to accumulate infectivity in the incubation period and this infectivity occurs prior to any demonstrated infectivity in brain tissue (Refs. 12 through 14). Therefore, tests conducted on brain tissue may not accurately reflect the potential infectivity in other tissues that develop infectivity earlier, such as the distal ileum.

As a result, we have finalized the definition of ''nonambulatory disabled cattle'' without change.

(Comment 9) One comment stated that our restrictions relating to materials

from nonambulatory disabled cattle should not apply to custom slaughtered animals.

(Response 9) This final rule does not apply to custom slaughtered cattle because such cattle are for the owner's exclusive use and not for use in FDA regulated human food and cosmetics. FDA notes that, in our 2007 affirmation of our interim final rule with amendments, FSIS determined that it cannot permit the custom slaughter or preparation of products of nonambulatory disabled cattle for human food even if it is for the owner's exclusive use because FSIS considers the carcasses of these animals to be adulterated (72 FR 38700 at 38703 to 38704).

5. ''Specified Risk Material'' (§§ 189.5(a)(5) and 700.27(a)(5))

The regulations define ''specified risk material'' as meaning the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months and older. The definition also includes tonsils and distal ileum of the small intestine of all cattle as ''specified risk material.''

In the **Federal Register** of March 4, 2013 (78 FR 14012), we reopened the comment period for the IFR due to new studies showing infectivity in parts of the small intestine other than the distal ileum. We noted that there were studies showing the presence of some infectivity in the proximal ileum, jejunum, ileocecal junction, and colon of cattle with BSE. We also noted that the infectivity levels reported in the studies were lower than the infectivity levels previously demonstrated for the distal ileum (78 FR 14012 at 14013). We put the studies into the administrative record and invited comment on them, and also said that we had tentatively concluded that the effect of these traces of infectivity on the risk of human or ruminant exposure to BSE in the United States is negligible (78 FR 14012). We tentatively concluded that ''requiring the removal of additional parts of the small intestine would not provide a measurable risk reduction compared to that already being achieved by removal of the distal ileum in all cattle and that it would be appropriate to finalize our interim final rule without changing any provisions related to the small intestine'' (78 FR 14012).

(Comment 10) One comment asked whether the pituitary gland of cattle is considered an SRM and would have to be removed from the carcass when the brain is removed if the cattle is 30 months of age or older.

(Response 10) The pituitary gland or hypophysis lies at the base of the brain, contacting the hypothalamus. Anatomically, it is considered part of the brain. Thus, the pituitary gland or hypophysis is considered an SRM in cattle 30 months or age or older and must be removed from the carcass when the brain is removed.

(Comment 11) One comment requested that the vertebral column not be considered an SRM because the attached DRG as well as the loosely attached spinal cord, which are sources of BSE infectivity, can be safely separated and removed from the vertebral column. (In general terms, DRG are nerves attached to the spinal cord.) The comment did not submit any data in support of its position nor did it explain the method or methods for safely separating and removing the DRG from the vertebral column.

(Response 11) We decline to revise the rule as suggested by the comment. While the vertebral column has not been shown to harbor BSE infectivity, it does contain tissues (*i.e.,* DRG, spinal cord) that have been shown to be infectious. Technologies are not currently available to safely remove the DRG without removing part of the vertebral column (see 2007 FSIS affirmation, 72 FR 38700 at 38710). The 2007 FSIS affirmation also noted that while the DRG is located within the vertebral bones, it could potentially become dislodged during consumption of bone-in-beef products. Therefore, the vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum) from cattle 30 months of age and older is included in the list of SRMs. We will reconsider this issue if technology becomes available to safely remove the DRG from the vertebral column, but we have finalized the definition of ''specified risk material'' without change.

(Comment 12) One comment requested that we revise the definition of SRMs to include meat obtained from vertebral columns processed with Advanced Meat Recovery (AMR) systems because of the instances of DRG and spinal cord being detected in AMR products.

(Response 12) We decline to revise the rule as suggested by the comment. USDA regulations, at 9 CFR 318.24, provide that vertebral columns of cattle 30 months of age and older (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum) are SRMs and therefore cannot be used as source materials for AMR systems.

(Comment 13) One comment stated that, although we noted that the OIE has not designated any intestinal sections other than the distal ileum as SRM, the OIE did not conduct a risk assessment to support that statement.

(Response 13) We did not intend to imply that the OIE had conducted a risk assessment or studied the new research findings and published its conclusions about the significance to human health. We meant that the OIE had not added parts of the small intestine other than the distal ileum to its recommendations on commodities that should not be traded (Ref. 15).

(Comment 14) Some comments recommended that the 30-month age cutoff, which provides a basis for designating certain cattle materials as SRMs, should be changed to a 12-month cutoff because of scientific uncertainty about how BSE spreads in cattle, and because the true prevalence of the disease in the United States is not fully known.

(Response 14) We disagree with these comments. Experimental and epidemiological evidence have clearly linked transmission of BSE to using protein derived from BSE infected cattle as an additive in cattle feed. FDA's 1997 and 2008 BSE feed regulations prohibit this practice. Further, ongoing BSE surveillance conducted by USDA APHIS, which tests approximately 40,000 animals from the highest risk cattle population per year, shows that the prevalence in the United States is less than one case per million adult cattle in the United States (Ref. 16). We therefore believe that the 30-month cutoff is appropriate for the BSE risk status in the United States, as we first discussed in our 2004 IFR (69 FR 42256 at 42259–60).

(Comment 15) One comment recommended that a 12-month cutoff for purposes of designating certain cattle materials as SRMs would be more prudent given the scientific uncertainty in fully understanding the possible ways that the BSE agent might infect humans.

(Response 15) We disagree that an additional margin of safety in the age cutoff is needed because of scientific uncertainty about how humans are exposed to the BSE agent. The 30-month cutoff is internationally recognized and well supported by pathogenesis studies that were designed to determine the tissue distribution of the BSE agent as the disease progresses in BSE-infected cattle.

(Comment 16) Several comments recommended that materials currently

designated as SRMs if they are from cattle 30 months of age and older should be considered SRMs regardless of the animal's age and should be prohibited from entering the food supply. According to the comment, a broad prohibition on the use of SRMs regardless of the animal's age would significantly reduce the need of determining the age of each animal, and thereby improve enforcement. Some comments pointed out that, in the absence of a national animal identification system, any determination of an animal's age is based typically on a physical assessment, and such an assessment can be subjective.

(Response 16) We disagree that the full list of SRMs should be removed from all cattle to eliminate the need for aging the animals. Methods of aging allowed under FSIS regulations, such as documentation and dentition, are reliable for identifying cattle over 30 months of age.

(Comment 17) One comment recommended that vertebral columns of cattle of all ages should be considered SRMs, not just vertebral columns of cattle 30 months of age and older, but the comment did not provide evidence or data to support the change.

(Response 17) We disagree with this recommendation. As previously stated in Comment and Response 14, pathogenesis studies support a 30-month cutoff in low BSE prevalence countries like the United States.

(Comment 18) Several comments noted that available post mortem tests are capable of identifying the presence of the BSE agent only near the end of the animal's incubation period; therefore cattle younger than 30 months of age in the early stages of BSE that do not test positive for the disease may be harboring the BSE agent. The comments suggested that the definition of SRM not exclude certain materials from cattle younger than 30 months.

(Response 18) We agree about the limitation of BSE test methods, but disagree that the limitations should influence the SRM definition. The 30-month cutoff is based on pathogenesis studies, not on diagnostic capabilities.

(Comment 19) One comment supported a 12-month cutoff for classifying animal age-related SRMs due to uncertainty surrounding a published study that suggested that there may be another form of TSE in cattle, referred to as bovine amyloidotic spongiform encephalopathy (BASE).

(Response 19) We do not agree that the 12-month cutoff is necessary for the BASE strain of BSE, also known as L-type BSE. FSIS pointed out in the 2007 FSIS affirmation that the available data on the BASE strain do not indicate that cattle with this form of BSE are more likely to contain higher levels of the infective agent early in the incubation period than cattle with the ''typical'' BSE strain (72 FR 38700 at 38707). As FSIS concluded, additional study on the BASE form of BSE will be needed to determine its significance.

(Comment 20) One comment recommended expanding the SRM definition to include the entire head of cattle 30 months of age and older. The comment also stated that cheek and head meat of cattle 12 months of age and older should be removed before the skull is fragmented or split, based on concerns that the head or cheek meat may contain central nervous system materials if the meat is not removed before the skull is fragmented or split. To support its arguments, the comment referred to a 2002 USDA FSIS paper that discussed the prohibition of cheek meat from cattle aged 24 months and older for human food if the meat is not removed before the skull is fragmented or split.

(Response 20) We disagree that the entire head of cattle 30 months of age and older should be condemned because of concerns that head meat and cheek meat could be contaminated with central nervous system tissue. FSIS regulations (9 CFR 310.22(e)) require that establishment procedures for removal of SRMS at slaughter must address potential contamination of edible materials with specified risk materials. Such procedures would include taking steps to ensure that cheek meat, for example, is not cross-contaminated with brain matter or central nervous system matter.

(Comment 21) One comment recommended using a 12-month cutoff for purposes of designating certain cattle materials as SRMs so that it would be consistent with the European Union (EU) standard 12-month cutoff period.

(Response 21) We decline to revise the rule as suggested by the comment. The EU established its BSE requirements because of a small number of BSE cases detected in young animals. These cases are now believed to be the result of cattle being exposed to large exposure doses of the BSE agent at the height of their BSE outbreak, before appropriate mitigations were put in place to reduce high levels of BSE infectivity circulating in their cattle population. In contrast, early control measures were put in place in the United States to protect against the establishment and amplification of BSE in the U.S. cattle population.

Further, the EC has published a roadmap for relaxing its BSE mitigations, including age cutoffs, because of the downward trend in BSE cases across the EU (Ref. 17).

(Comment 22) Several comments supported using a 12-month cutoff for purposes of designating certain cattle materials as SRMs because cattle as young as 21 months have tested positive for BSE in the UK and Japan.

(Response 22) We disagree with these comments. As discussed in the 2004 IFR (69 FR 42256 at 42259), we are aware of documented cases of BSE in the UK in animals younger than 30 months of age. As noted in the 2004 IFR (69 FR 42256 at 42259), at the height of the epidemic in the UK when thousands of animals were being diagnosed with BSE each year, fewer than 20 animals younger than 30 months were confirmed with the disease (Ref. 18). The youngest animal with a confirmed case of BSE was 20 months old (Ref. 19). The occurrence of BSE in young animals in the UK was most likely the result of exposure to a high infective dose of the BSE agent at a young age.

We also noted in the 2004 IFR the two reported cases of BSE in 21-month and 23-month-old animals in Japan discovered during the testing of animals presented for slaughter (69 FR 42256 at 42259). FSIS addressed a similar comment in the 2007 FSIS affirmation (72 FR 38700 at 38721) and concluded that the available evidence surrounding the two very young cases reported in Japan is insufficient to support any changes in FSIS's existing measures to prevent human exposure to the BSE agent. FSIS referred to a report by EFSA's Scientific Panel on Biological Hazards, which stated that ''it is unclear whether the very young cases [reported in Japan] were adequately identified and formally confirmed'' (Ref. 20). This same EFSA report concluded that these cases ''seem to be epidemiologically peculiar as their cohort would have been expected to yield further cases.''

(Comment 23) One comment said a 12-month age cutoff would be consistent with the International Review Team (IRT) recommendation that the brain, skull, spinal cord, and vertebral column of cattle over 12 months of age be excluded from both human food and animal food chains unless aggressive surveillance shows that the BSE risk in the United States is minimal (Ref. 21).

(Response 23) We decline to revise the rule in response to the comment. The IRT was convened at the request of the U.S. Secretary of Agriculture on December 30, 2003, to review the actions taken by the United States in response to the confirmation of BSE in an imported dairy cow in Washington State on December 23, 2003. The IRT recommended that, among other things,

the brain, skull, spinal cord, and vertebral column of cattle over 12 months be excluded from both the human food and animal food chains unless aggressive surveillance proves the BSE risk in the United States to be minimal (Ref. 22). As a follow up to the IRT report, USDA's APHIS conducted the aggressive surveillance and found the BSE prevalence in the United States to be minimal. Therefore, a 30-month cutoff is consistent with the recommendations of the IRT.

(Comment 24) One comment noted that many countries have imported vast amounts of meat-and-bone meal from countries with BSE-infected cattle, some of which do not have adequate surveillance and other mitigations in place to prevent contamination of the animal feed and human food chains. The comment further noted that these countries may still serve as a source of disease, and if the entire intestine is not designated as SRM, BSE-infected bovine products could be imported and enter the U.S. food or feed supply.

(Response 24) We disagree that the scenario described provides sufficient justification for designating the entire intestine as SRM. Our trading partners in cattle and cattle derived products are countries that have performed a BSE risk assessment, conducted the required level of BSE surveillance, and have the necessary BSE mitigations in place to meet OIE requirements for negligible or controlled risk status.

(Comment 25) One comment stated that we should err on the side of caution when it comes to protecting public health and designate the entire length of the intestines as SRM. The comment noted that scientific research demonstrates that immunostaining was observed in the myenteric plexus of the distal ileum in both naturally infected and experimentally challenged cattle with BSE, so one cannot eliminate the possibility of infectivity in other sections because the myenteric plexus exists throughout the entire intestine. Another comment stated that even a trace of BSE infectivity is concern enough to prohibit the use of the jejunum, proximal ileum, ileocecal junction, and colon of cattle.

(Response 25) We agree that it is reasonable to assume that increasingly sensitive detection methods could demonstrate that BSE infectivity is present anywhere along the intestinal tract, associated either with the enteric nervous system or lymphoreticular tissue. However, all available evidence to date shows that levels outside the distal ileum are much lower than levels in the distal ileum. As we explained in the 2013 notice, our tentative conclusion took into consideration not just the lower levels, but also the other safeguards in place in the United States, the sharp decline in the worldwide incidence of BSE, and the extremely low prevalence of BSE in the U.S. cattle population as indicated by USDA's BSE surveillance program (78 FR 14012). This conclusion is consistent with the recommendation in the 2009 EFSA Scientific Opinion that future consideration of risk associated with infectivity in the intestine take into account the BSE prevalence in cattle at that time (Ref. 18).

(Comment 26) Comments from the Biological Hazards Unit of EFSA in response to FDA's 2013 notice reopening the comment period clarified EFSA's current thinking on BSE infectivity in bovine intestines. EFSA stated that it had concluded that BSE infectivity in the bovine ileum is found mainly in association with the lymphoid follicles, the ileal Peyer's patches (Refs. 23 through 25). The ileal Peyer's patches are aggregated into a long continuous structure called the ileocecal plate. The ileocecal plate extends the full length of the ileum, and may extend proximally into the jejunum. EFSA concluded that, when assessing the BSE infectious load potentially present in the intestines of BSE-infected cattle, the ileocecal plate should be considered as the main contributor to BSE infectivity in the intestine.

(Response 26) Since submitting comments to the 2013 notice, the EFSA Panel on Biological Hazards (BIOHAZ) published on May 13, 2014, a Scientific Opinion on BSE risk in bovine intestines and mesentery (Ref. 25). This scientific opinion provides additional information about the distribution of intestinal lymphoid tissue with which BSE infectivity is associated in the early stages of disease. EFSA concluded that the BSE infectious load in the intestines is primarily associated with the lymphoid tissue making up the ileocecal plate. According to anatomical data presented in the report, the length of the ileocecal plate could reach four meters (157 inches), with considerable animal-to-animal variation, in cattle younger than 18 month of age, before the ileocecal plate starts to diminish in length as the animal ages. So, while studies to date show that infectivity levels outside the distal ileum are much lower than in the distal ileum, the anatomical data in the report show that in young cattle lymphoid tissue could extend two meters outside (proximal to) the distal ileum. This anatomical data does not alter our decision to leave the SRM definition unchanged. We believe that given the United States and worldwide BSE prevalence data, removal of prohibited cattle materials as required by this rule, together with the other effective BSE mitigations implemented by the U.S. government, provides the appropriate level of protection against human exposure to the BSE agent.

6. ''Tallow'' (§§ 189.5(a)(6) and 700.27(a)(6))

The regulations define ''tallow'' as the rendered fat of cattle obtained by pressing or by applying any other extraction process to tissues derived directly from discrete adipose tissue masses or to other carcass parts and tissue. The definition also states that tallow must be produced from tissues that are not prohibited cattle materials and must not contain more than 0.15 insoluble impurities as determined by the method entitled ''Insoluble Impurities'' (AOCS Official Method Ca 3a–46, American Oil Chemists' Society (AOCS), 5th Edition, 1997, or another equivalent method.

(Comment 27) One comment questioned the basis (*i.e.,* underlying data) for selecting the 0.15 percent level as the allowable cutoff for insoluble impurities in tallow, but did not provide evidence or data to support changing the allowable level.

(Response 27) We discussed the underlying research that provided the basis for permitting tallow to be used in human food and cosmetics if it contains no more than 0.15 percent insoluble impurities in the 2004 IFR (69 FR 42256 at 42260 through 42261). In addition, the 0.15 percent cutoff is consistent with the level used by the Office International des Epizooties (OIE) in the BSE chapter of the OIE Terrestrial Animal Health Code (Ref. 7). Therefore, we are not making any further changes with respect to using the 0.15 percent level as the allowable cutoff of insoluble impurities.

7. ''Tallow Derivatives'' (§§ 189.5(a)(7) and 700.27(a)(7))

The regulations define ''tallow derivative'' as any chemical obtained through initial hydrolysis, saponification, or transesterification of tallow. The definition also states that chemical conversion of material obtained by hydrolysis, saponification, or transesterification may be applied to obtain the desired product.

We did not receive comments specific to our definition of ''tallow derivative,'' and we have finalized the definition without change.

8. ''Gelatin'' (§§ 189.5(a)(8) and 700.27(a)(8))

Our regulations at §§ 189.5 and 700.27 mention, but do not define, ''gelatin.'' Thus, on our own initiative, we have decided to define gelatin as a product that has been obtained by the partial hydrolysis of collagen derived from hides, connective tissue, and/or bones of cattle and swine. Gelatin may be either Type A (derived from an acid-treated precursor) or Type B (derived from an alkali-treated precursor) that has gone through processing steps that include filtration and sterilization or an equivalent process in terms of infectivity reduction (Ref. 26).

B. Requirements (§§ 189.5(b) and 700.27(b))

The regulations at §§ 189.5(b)(1) and 700.27(b)(1) provide that no human food or cosmetic shall be manufactured from, processed with, or otherwise contain, prohibited cattle materials. We further clarify in §§ 189.5(b)(2) and 700.27(b)(2) that the small intestine is not considered prohibited cattle material as long as the distal ileum is removed by a procedure that removes at least 80 inches of the small intestine or by another procedure that the establishment can show is equally effective at ensuring the distal ileum is completely removed.

(Comment 28) One comment objected to the use of cattle materials in any products and believed that our ''published policy'' is much too lenient, but did not provide evidence or data to support this assertion.

(Response 28) We disagree with the comment's broad generalization. In the absence of data or other information, we do not have a basis on which to evaluate the comment's assertion that our published policy is too lenient.

(Comment 29) One comment questioned the validity of relying on the Harvard-Tuskegee study to support the restrictions being applied by this regulation to externally applied cosmetics. The comment also questioned whether the restrictions that cover materials derived from cattle not inspected and passed are predicated on unfounded assumptions with respect to potential infectivity.

(Response 29) The Harvard-Tuskegee study does not specifically address potential human exposure to the BSE agent from cosmetics (69 FR 42256 at 42258), so it was not relied on to support the restrictions applied by the 2004 IFR to externally applied cosmetics. However, we are concerned that cosmetics, because of the ways they are used, could serve as another potential route for BSE infectivity to enter the human system. We therefore conclude that the wide range of cattle-derived ingredients used in cosmetics should not contain prohibited cattle materials (Ref. 27).

(Comment 30) One comment said that the United States should test every cow for TSEs, extend and enhance the feed ban, enhance surveillance and testing programs to test all cattle destined for human and animal consumption, ban all animal tissue in vaccines and nutritional supplements, and stop feeding ruminant and non-ruminant protein to all species.

(Response 30) We disagree with the recommendation to change current U.S. BSE control measures. The mitigations currently in place in the U.S. adequately protect human and animal health from BSE. Testing cattle and enhancing surveillance and testing programs fall under the purview of USDA. USDA's surveillance strategy is to target testing on those animals in the cattle population where the disease is most likely to be found if it is present. USDA has concluded that this is the most effective way to meet OIE and domestic surveillance standards. USDA determined that a level of 40,000 samples per year from these targeted, high-risk cattle far exceeds the standards recommended by the OIE (Ref. 16). With respect to animal feed restrictions, FDA's 1997 feed ban prohibited the use of ruminant protein in cattle feed, while the 2008 enhanced feed ban prohibits the use of the highest risk cattle tissues in all animal feed. Lastly, we are not aware of scientific justification for banning all animal tissue in vaccines and nutritional supplements.

(Comment 31) While many comments supported the use of material from nonambulatory disabled cattle, a few comments requested that these materials be prohibited regardless of the reason for the animal's condition (*e.g.,* obesity, fatigue, stress, nerve paralysis, or physical injury such as a fractured appendage, severed tendon or ligament, or dislocated joint). Other comments were concerned that visual examination was not sufficient for determining whether an animal is safe to be slaughtered. Other comments thought the current prohibition involving nonambulatory disabled cattle is too broad in its application, particularly when applied to animals that are nonambulatory due to clear physical injuries, such as a broken limb.

(Response 31) We decline to make changes to the rule regarding the prohibition on the use of cattle materials from nonambulatory disabled cattle in human food and cosmetics. As discussed in the 2007 FSIS affirmation, surveillance data from the EU indicate that cattle that cannot rise from a recumbent position are among the cattle that have a greater prevalence of BSE than healthy slaughter cattle, and the typical clinical signs of BSE may not always be observed when cattle are nonambulatory (72 FR 38700 at 38701 to 38706).

(Comment 32) Several comments requested that SRMs be kept out of all cosmetics over which FDA has jurisdiction.

(Response 32) Under § 700.27, no cosmetic shall be manufactured from, processed with, or otherwise contain, prohibited cattle materials. This includes SRMs.

(Comment 33) One comment stated that human consumption of any trace of BSE can be fatal, and that the use of materials derived from cattle should not be allowed in human food and cosmetics.

(Response 33) We strongly disagree that cattle derived products should not be used in human food and cosmetics. The sharp decline in vCJD cases worldwide demonstrates that internationally recognized BSE mitigations that remove only specified risk materials are highly effective in protecting humans against BSE. (Refs. 4, 22, 28, and 29). We note that the World Health Organization (WHO), in the 2010 update to the WHO Tables on Tissue Infectivity Distribution in Transmissible Spongiform Encephalopathies (Ref. 30), stated that the amount of pathological prion or infectious agent detected by exquisitely sensitive assays may well fall below the threshold of transmissibility for humans, and that consideration also has to be given to the level of infectivity in tissue, the amount of tissue to which a person is exposed, and that oral exposure is a comparatively inefficient route of transmission.

(Comment 34) One comment stated that one of the most important and still unanswered questions is the significance of atypical BSE with respect to human and animal health. The comment said that if the U.S. government considers atypical BSE to be a sporadic disease, at present there is no means to eliminate cases from the national herd, and thus the food supply. The comment noted that in atypical BSE the extent of infectivity in bovine tissue is unknown, and hence, it would be important to at least remove the tissues having infectivity in classical BSE cases.

(Response 34) We agree with the comment's assertion that there are still unanswered questions about the

significance of atypical BSE with respect to human and animal health. We also agree that if atypical cases are sporadic, their occurrence will continue to be an ongoing rare event in our cattle population. However, based on the available science, we believe that the mitigations currently in place in the United States to protect against classical BSE are adequate to protect against atypical BSE. We note that this was also the conclusion of the OIE Scientific Commission for Animal Diseases. The February 2013 meeting report concluded that ''the ruminant-to-ruminant feed ban which mitigates the risk of classical BSE concurrently reduces the recycling of atypical BSE in the cattle populations of the controlled and negligible BSE risk countries within which it is applied.'' (Ref. 31).

C. Records (§§ 189.5(c) and 700.27(c))

In the 2004 IFR, FDA required that manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, cattle material must make existing records relevant to compliance available to FDA for inspection and copying. In a companion rulemaking at the same time, FDA proposed a rule entitled ''Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing Material from Cattle'' (69 FR 42275). The rule proposed to require that manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle establish and maintain records sufficient to demonstrate the food or cosmetic is not manufactured from, processed, with, or does not otherwise contain, prohibited cattle materials. The records requirements were finalized in 2006 and incorporated the requirement from the 2004 IFR that existing records relevant to compliance be made available to FDA (71 FR 59653).

D. Adulteration (§§ 189.5(d) and 700.27(d))

Under § 189.5(d)(1), failure of a manufacturer or processor to operate in compliance with the requirements or records provisions renders human food adulterated under section 402(a)(4) of the FD&C Act. Under § 700.27(d), failure of a manufacturer or processor to operate in compliance with the requirements or records provisions renders a cosmetic adulterated under section 601(c) of the FD&C Act. Further, under § 189.5(d)(2), human food manufactured from, processed with, or otherwise containing, prohibited cattle materials is unfit for human food and deemed adulterated under section 402(a)(3) of the FD&C Act. Under § 189.5(d)(3), the use or intended use of any prohibited cattle material in human food causes the material and the food to be adulterated under section 402(a)(2)(C) of the FD&C Act if the prohibited cattle material is a food additive, unless it is the subject of a food additive regulation or of an investigational exemption for a food additive under § 170.17.

We did not receive comments specific to the adulteration provisions, and we have finalized them without change.

E. Process for Designating Countries (§§ 189.5(e) and 700.27(e))

Sections 189.5(e) and 700.27(e) establish a process for designating a country as not subject to certain BSE-related restrictions applicable to FDA-regulated human food and cosmetics. A country seeking to be so designated must send a written request to the Director of FDA's Center for Food Safety and Applied Nutrition, including information about the country's BSE case history, risk factors, measures to prevent the introduction and transmission of BSE, and any other relevant information.

We did not receive comments specific to the process for designating countries, and we have finalized those aspects of the rule without change.

F. Other Comments

Several comments addressed matters that were not specific to a particular provision in the IFRs. We address those comments here.

(Comment 35) Several comments said that prohibiting the use of cattle materials from nonambulatory disabled cattle in human food and cosmetics also should apply to the use of such materials in animal food or feed.

(Response 35) This final rule applies to the use of cattle materials in human food and cosmetics regulated by FDA. Our regulations in effect at the time of the 2004 IFR prohibited the use of certain protein from mammalian tissues in ruminant feed and have since been revised to prohibit the use of certain cattle-derived risk materials (*e.g.,* the brains and spinal cords from cattle 30 months of age and older, as well as the entire carcass of cattle not inspected and passed for human consumption) in all animal feeds. In a feed rule published in the **Federal Register** on April 25, 2008 (73 FR 22720), FDA's Center for Veterinary Medicine (CVM) explained that, because of the low prevalence of BSE in the United States, it is not necessary to prohibit all ruminant material from animal feed, nor is it necessary to prohibit all animal or all mammalian products in cattle feed. (See 73 FR 22720 at 22724, as well as similar discussion provided in the preamble to the earlier CVM proposal published in the **Federal Register** on October 6, 2005 (70 FR 58570 at 58578).)

(Comment 36) One comment stated that we do not truly know or understand the real risk to the public in regards to vCJD as caused by classical BSE. The comment said that based on results of an appendix tissue survey in the UK, the dose to infect humans may be much smaller than previously considered, and even small amounts of the BSE agent could infect humans resulting in a subclinical disease that may pose a risk to other people via blood transfusions, etc. According to the comment, this is justification for prohibiting the use of the entire intestine for human consumption or cosmetics.

(Response 36) We are aware of the results of the appendix survey published October 15, 2013, in the British Medical Journal (Ref. 32). We agree that the survey results underscore the need for better understanding of BSE and vCJD. In the appendix survey, 32,441 archived appendix samples collected during surgical operations performed in the UK between 2000 and 2012 were analyzed for the presence of abnormal prion protein. Sixteen samples were positive for abnormal prions. We did not conclude from these findings that they provide the scientific justification to modify our SRM definition to include the entire intestine of cattle. As the article points out, the samples were collected after the large BSE epizootic in the United Kingdom that resulted in a substantial amount of BSE infectivity entering the human food supply. We continue to believe that the SRM definition we are finalizing is appropriate for managing the BSE situation risk in the United States.

(Comment 37) One comment stated that FDA does not require reporting on CJD, so the United States is unable to track the incidence rate of the disease.

(Response 37) Tracking the incidence of CJD and vCJD is the responsibility of the Center for Disease Control and Prevention (CDC). The CDC collaborates with the American Association of Neuropathologists, the National Prion Disease Pathology Surveillance Center, and State health departments to monitor the prevalence of human prion diseases in the United States (Ref. 33).

(Comment 38) Several comments were from individuals who had suffered the loss of a loved one from sporadic CJD (sCJD) and were concerned about sCJD risks as well as vCJD risks. Many

comments said that, because the etiology of sCJD is unknown, FDA should take every precaution possible to eliminate human exposure to what could potentially be a causative agent of sCJD.

(Response 38) Although sCJD and vCJD are both prion diseases of humans and are similar in many respects, the available scientific evidence does not support a conclusion that the BSE agent causes sCJD. Therefore, we believe that requiring removal of parts of the small intestines other than the distal ileum would not provide any additional protection against sCJD.

(Comment 39) A comment inquired as to the impact of sequestration and budget cuts upon the availability of FDA inspectors in slaughter facilities to insure the proper removal of the distal ileum and keep the public safe.

(Response 39) FDA does not inspect cattle slaughter facilities. They are inspected by USDA under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601).

(Comment 40) One comment requested that bovine blood-derived products, such as beef blood plasma and fibrinogen, be prohibited until it is more certain that such blood-derived products do not have the potential for transmitting TSEs to humans. While noting the current thinking that the lymphatic system is the primary route of infectivity for TSEs, the comment suggested that TSEs may be transmitted via the blood through cut or abraded skin and damaged oral mucosal tissue.

(Response 40) We recognize that there are a number of animal species in which blood from TSE-infected animals have been shown to be capable of transmitting the TSE agent, and that there have been several cases in the UK of people acquiring vCJD after receiving transfusions of blood from donors who later were found to have vCJD. However, there is no evidence that blood from infected cattle can transmit the BSE agent to humans when the blood is incorporated into human food or cosmetics. Therefore, the final rule does not prohibit use of cattle blood or impose any special requirements on cattle blood materials that might be used in human food, including dietary supplements, and in cosmetics.

(Comment 41) One comment said that the U.S. government issued an official communication that it has a longstanding system of interlocking safeguards against BSE that protects public and animal health in the United States and that the most important safeguard is the removal of SRM or the parts of an animal that would contain BSE should an animal have the disease from all animals presented for slaughter in the United States. The comment stated that this could lead the public to believe any tissue that may contain BSE infectivity is removed at slaughter and concluded that this is definitely not the case with certain parts of the intestine and potentially other tissue such as peripheral nerves.

(Response 41) We understand the concern about how the message on the removal of SRM could be interpreted. We intend for the term SRM to mean the list of tissues identified in our final rule that must be removed from beef products for human consumption. We believe the official communication was correct that the United States has interlocking safeguards in place in addition to removal of specified risk material. These interlocking safeguards include a strong ruminant-to-ruminant feed ban, an ongoing BSE surveillance program capable of detecting the disease at very low levels in the U.S. cattle population, and strict controls on imports of animals and animal products from countries at risk for BSE.

(Comment 42) One comment expressed concern about the possibility of SRMs getting into the food supply through rendering.

(Response 42) In edible rendering (applying the rendering process to edible tissues for use as human food) only materials from cattle sources that have been inspected and passed for human consumption and do not contain SRMs or other materials considered to be prohibited cattle materials may be rendered for use in human food and cosmetics. It is the responsibility of manufacturers and processors, including renderers, to take precautions to avoid cross contamination of non-prohibited cattle material with prohibited cattle material during slaughter and processing. In this regard, manufacturers and processors of human food and cosmetics manufactured from, processed with, or that otherwise contain, material from cattle must maintain records sufficient to demonstrate that the human food and cosmetics are not manufactured from, processed with, or otherwise contain, prohibited cattle materials under §§ 189.5(c)(1) and 700.27(c)(1). Further, food establishments are subject to the CGMP requirements in part 110, and failure to take adequate measures to prevent cross-contamination could result in insanitary conditions whereby the food may be rendered injurious to health and, therefore, adulterated under section 402(a)(4) of the FD&C Act.

V. Regulatory Impact Analysis

A. Overview

Economic Analysis of Impacts

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

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this rule finalizes an existing IFR with no substantive changes, we certify that the final rule will not have a significant economic impact on a substantial number of small entities.

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

This final rule reaffirms the provisions in the 2004 IFR, as well as the 2005 and 2008 amendments, to address the potential risk of BSE in human food including dietary supplements, and in cosmetics. As the final rule's coverage and requirements do not differ from the 2004 IFR and the 2005 and 2008 amendments, no additional costs or benefits will accrue from this rulemaking.

The summary analysis of benefits and costs included in this document is drawn from the detailed IFR RIA (69 FR 42255 at 42265–42271).

B. Comments on the IFR RIA

We received two comments on our interim final regulatory impact analysis

and are declining to make changes to the RIA in the final rule.

(Comment 43) One comment stated that our economic analysis appears to consider only the industries that are end users of cattle materials and to overlook industries that produce intermediate products. As a result, there is no mention of the rule's impact on manufacturers of collagen casings, gelatin, and other intermediate products.

(Response 43) We disagree. We did estimate the impact of the 2004 IFR (and amendments) to both producers of intermediate cattle-derived products and producers of cattle-derived end products (69 FR 42256 at 42266). In the case of gelatin, depending on the product, we had information on cattle-derived materials manufactured by intermediate producers (*i.e.,* input suppliers to cosmetics manufacturers) or information on end products that contained cattle-derived materials (*i.e.* foods). Whether our information was on intermediate manufacturers or end products, we estimated the impact of the 2004 IFR on both the upstream and downstream facilities.

The final rule clarifies that gelatin was never considered a prohibited cattle material. This final rule defines ''gelatin'' to clarify that gelatin is not considered to be a prohibited cattle material as long as it is manufactured using the customary industry processes specified in the Gelatin Manufacturers Institute of America's (GMIA) Gelatin Manual.

In the 2005 amendment to the 2004 IFR, we revised the definition of ''prohibited cattle materials'' that appears at §§ 189.5(a)(1) and 700.27(a)(1) to clarify that ''hides and hide-derived products'' are not to be considered prohibited cattle materials (70 FR 53063 at 53066). Thus, collagen casings made from hides are not banned by this final rule, since the cattle hides from which they are made are not prohibited cattle materials.

(Comment 44) One comment stated that the 2004 IFR does not consider the cost to gelatin producers of tracing cattle to their origin, nor does it consider that other cattle-derived ingredients from inedible rendering (*i.e.,* tallow-derived products) are commonly used in cosmetics.

(Response 44) The final rule does not require users of cattle material to certify from which animal a specific material was derived. Users of cattle-derived material must only maintain records sufficient to demonstrate that cattle derived material is not made from, processed with, or does not otherwise contain prohibited cattle materials. We included the costs of generating and keeping records on cattle-derived material in the BSE recordkeeping rule (71 FR 59653 at 59661).

Our 2004 IFR analysis (69 FR 42256 at 42267) took into consideration the potential costs to cosmetic manufacturers to switch from inedible rendering to using edible tallow (and derivatives) in cosmetic products. We estimated in the 2004 IFR analysis that the cost of this change would range from $0 to $18 million.

C. Final Regulatory Impact Analysis

1. Need for Regulation

This final rule reaffirms the provisions in the 2004 IFR, as well as the 2005 and 2008 amendments, to address the potential risk of BSE in human food including dietary supplements, and in cosmetics. As the final rule's coverage does not differ from the 2004 IFR and the 2005 and 2008 amendments, no additional costs or benefits will accrue from this rulemaking.

2. Final Rule Coverage

We have designated certain materials from cattle as ''prohibited cattle materials'' and banned the use of such materials in human food, including dietary supplements, and in cosmetics. We have designated the following items as prohibited cattle materials: SRMs, the small intestine of all cattle unless the distal ileum is removed, material from nonambulatory disabled cattle, material from cattle not inspected and passed (for human consumption), and mechanically separated MS (Beef). SRMs include the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and DRG of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine from all cattle. These restrictions appear in §§ 189.5 and 700.27 (21 CFR 189.5 and 21 CFR 700.27). Milk and milk products, cattle hides and hide-derived products, tallow that contains no more than 0.15 percent insoluble impurities, tallow derivatives (regardless of the tallow source), and gelatin are not prohibited cattle materials. In addition, we may designate a country as not subject to certain BSE-related restrictions following an evaluation of the country's BSE situation.

3. Costs of the Final Rule

Because of the 2004 IFR and 2005 and 2008 amendments already in effect, manufacturers and processors of food and cosmetic products using bovine materials such as the brain, skull, and spinal cord are obtaining these ingredients exclusively from cattle younger than 30 months of age. The manufacturers and processors of products that use the tonsils or the distal ileum of small intestine of cattle, material from nonambulatory disabled cattle, material from cattle not inspected and passed for human consumption, or MS (Beef) have found substitutes for those ingredients. To the extent that the 2004 IFR and 2005 and 2008 amendments led to increased use of alternative ingredients or ingredients from cattle under the age of 30 months, exposure to potentially BSE-infected cattle materials was reduced.

This final rule also clarifies that gelatin made from cattle-derived material is not, and never was, considered a prohibited cattle material so long as it is manufactured using customary industry processes. If there remained in the marketplace any confusion as to the status of gelatin derived from cattle materials, the new definition provided by this final rule should remove that confusion.

4. Countries Requesting Designation

To date, New Zealand and Australia have requested and received designation as not subject to certain FDA restrictions on cattle-derived materials. No other countries have applied to the FDA for designation. In the 2008 amendment, we estimated that it would cost a country about $9,000 to assemble a petition package for us to consider, and it would cost us $3,700 to review each package (73 FR 20785 at 20790). We did not receive any comments on these costs.

5. Benefits of the Final Rule

The benefits of this final rule are the value of the public health benefits. The public health benefit is the reduction in the risk of the human illness associated with consumption of the agent that causes BSE. In the 2004 IFR and 2005 and 2008 amendments, we were unable to quantify the benefits of these rule-makings, but provided estimates of the illness burden that could be avoided if we reduced the potential exposure to BSE agents.

In the 2004 IFR we estimated the benefits as the value of preventing a case of vCJD, the human illness that results from being infected from eating contaminated cattle-derived materials. (69 FR 42256 at 42267) The cost of a case of vCJD is the value of a statistical life (VSL) plus the value of preventing a year-long or longer illness that precedes certain death for victims of

vCJD. In 2004 we estimated this value to be in the range of $5.7 to $7.1 million. Updating using a central estimate of $369,000 for the value of a statistical life year (VSLY) and a central estimate of $8.3 million for VSL,[3] results in a single case of vCJD being valued at about $10 million in 2013 dollars. This estimate included direct medical costs, reduced ability of the ill person to function at home and at work, and the cost of premature death.

As we stated in the 2004 IFR, we do not know the baseline expected annual number of cases, but based on the epidemiology of vCJD in the UK, we anticipated much less than one case of vCJD per year in the United States. Because the IFR and amendments were expected to reduce, rather than eliminate, the risk of exposure to BSE infectious materials, the reduction in the number of cases was estimated to be an unknown fraction of the less than one case annually. We stated in the 2004 IFR RIA that the IFR, in conjunction with USDA's requirements on cattle-derived materials, would help reduce a potential human exposure in the United States that was previously estimated at less than 1 percent (69 FR 1862 at 1867).

The benefits of this final rule have already been realized as the IFR has been in place since 2004. We do not estimate any additional benefits as a result of this finalizing this IFR.

VI. Environmental Impact, No Significant Impact

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Paperwork Reduction Act of 1995

The collection of information provisions of this final rule are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in §§ 189.5(e) and 700.27(e), added by the 2008 amendment, have been previously approved under OMB control number 0910–0623. This final rule does not revise the information collection requirements of §§ 189.5(e) and 700.27(e). Therefore we are not submitting this final rule to OMB as a revision of the information collection approved under OMB control number 0910–0623.

VIII. Federalism

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

IX. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday they are also available electronically at *http://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.)

1. Collee, J. G. and R. Bradley, ''BSE: A Decade On—Part I,'' The *Lancet,* 349:636–641, 1997.
2. Anderson, R. M., C. A. Donnelly, N. M. Ferguson, et al., ''Transmission Dynamics and Epidemiology of BSE in British Cattle,'' *Nature,* 382:779–788, 1996.
3. Wells, G. A. H., A. C. Scott, C. T. Johnson, et al., ''A Novel Progressive Spongiform Encephalopathy in Cattle,'' *Veterinary Record,* 121:419–420, 1987.
4. HHS/CDC, ''vCJD (Variant Creutzfeldt-Jakob Disease'' (fact sheet), accessed online at *http://www.cdc.gov/prions/vcjd/about.html.*
5. University of Edinburgh, National CJD Research and Surveillance Unit, ''Variant CJD Cases Worldwide,'' accessed online at *http://www.cjd.ed.ac.uk/documents/worldfigs.pdf.*
6. Resolution No. 20, Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries, accessed online at *http://www.oie.int/doc/ged/D12483.PDF.*
7. Article 11.4 in the OIE Terrestrial Animal Health Code (2014), accessed online at *http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_bse.htm#article_bse.1.*
8. Grobben A. H., P. J. Steel, D. M. Taylor, and R. A. Somerville, ''Inactivation of the Bovine-Spongiform-Encephalopathy (BSE) Agent by the Acid and Alkaline Processes Used in the Manufacture of Bone Gelatin,'' *Biotechnology and Applied Biochemistry,* 39:329–338, 2004 and Grobben, A. H., P. J. Steel, D. M. Taylor, R. A. Somerville, et al., ''Inactivation of the BSE Agent by Heat and Pressure Process for Manufacturing Gelatin,'' *Veterinary Record,* 157:277–289, 2005.
9. Article 11.4.15 in the OIE Terrestrial Animal Health Code (2014), accessed online at *http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_bse.htm#article_bse.15.*
10. ''Quantitative Assessment of the Human and Animal BSE Risk Posed by Gelatine with Respect to Residual BSE Risk,'' *European Food Safety Authority Journal,* 312:1–29, 2006). Available at *http://www.efsa.europa.eu/en/efsajournal/pub/312.*
11. HHS/FDA, ''Guidance for Industry, The Sourcing and Processing of Gelatin to Reduce the Potential Risk Posed by Bovine Spongiform Encephalopathy (BSE) in FDA-Regulated Products for Human Use,'' September 1997, accessed online at *http://www.fda.gov/RegulatoryInformation/Guidances/ucm125182.htm.*
12. Wells, G. A. H., S. A. C. Hawkins, R. B. Green, et al., ''Preliminary Observations on the Pathogenesis of Experimental Bovine Spongiform Encephalopathy (BSE): An Update,'' *Veterinary Record,* 142:103–106, 1998.
13. Lasmezas, C. I., J–P. Deslys, O. Robain, et al., ''Transmission of the BSE Agent to Mice in the Absence of Detectable Abnormal Prion Protein,'' *Science,* 275:402–405, 1997.
14. Race, R., A. Raines, G. J. Raymond, et al., ''Long-Term Subclinical Carrier State Precedes Scrapie Replication and Adaptation in a Resistant Species: Analogies to Bovine Spongiform Encephalopathy and Variant Creutzfeldt-Jakob Disease in Humans,'' *Journal of Virology,* 75(21):10106–10112, 2001.
15. Article 11.4.14 in the OIE Terrestrial Animal Health Code (2014), accessed online at *http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_bse.htm#article_bse.14.*
16. USDA, APHIS, BSE Ongoing Surveillance Plan, July 20, 2006. Available at *https://www.aphis.usda.gov/animal_health/animal_diseases/bse/downloads/BSE_ongoing_surv_plan_final_71406.pdf.*
17. European Commission, the TSE Roadmap, July 15, 2005. Available at *http://ec.europa.eu/food/food/biosafety/tse_bse/docs/roadmap_en.pdf.*
18. Kimberlin, R. H., ''Bovine Spongiform Encephalopathy: An Appraisal of the Current Epidemic in the United Kingdom,'' *Intervirology* 35: 208–218, 1993.
19. Department for Environment, Food and Rural Affairs, UK, BSE Summary Statistics,'' August 2007 accessed online at: *http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/animalh/bse/statistics/bse/monthly_stats.pdf.*
20. ''EFSA Panel on Biological Hazards (BIOHAZ) Scientific Opinion on BSE Risk in Bovine Intestines on Request from the European Commission,''

[3] VSLY based on Aldy and Viscusi discussion paper 2007 (Ref. 1). VSL is based on EPA National Center for Environmental Economics estimate of $7.4 million in 2006 dollars (Ref. 2).

European Food Safety Authority Journal, vol. 1317, pp. 1–9 (2009).
21. CDC, BSE or Bovine Spongiform Encephalopathy, accessed online at: *http://www.cdc.gov/prions/bse/prevalence.html.*
22. USDA, The Secretary's Foreign Animal and Poultry Disease Advisory Committee's Subcommittee Report on Measures Relating to Bovine Spongiform Encephalopathy (BSE) in the United States, February 4, 2004.
23. Hoffmann C., M. Eiden, M. Kaatz, M. Keller, et al., 2011, ''BSE Infectivity in Jejunum, Ileum and Ileocaecal Junction of Incubating Cattle,'' *Veterinary Research,* 42, 21.
24. Terry, L. A., S. Marsh, S. J. Ryder, S. A. Hawkins, et al., ''Detection of Disease-Specific PrP in the Distal Ileum of Cattle Exposed Orally to the Agent of Bovine Spongiform Encephalopathy,'' *Veterinary Record,* 152, 387–392, 2003.
25. ''EFSA Panel on Biological Hazards (BIOHAZ),'' 2014 Scientific Opinion on BSE Risk in Bovine Intestines and Mesentery, *European Food Safety Authority Journal,* vol. 3554, pp. 1–98, (2014). *http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/3554.pdf.*
26. Gelatin Manufacturers of America, Gelatin Handbook, 2012.
27. FDA, Cosmetics: An Evaluation of the Risk of Variant Creutzfeldt-Jakob Disease from Exposure to Cattle-Derived Protein Used in Cosmetics, accessed online at: *http://www.fda.gov/Cosmetics/ProductsIngredients/PotentialContaminants/ucm137012.htm.*
28. European Centre for Disease Control and Prevention, Creutzfeldt Jakob Disease International Surveillance Network, CJD Surveillance Data 1993–2013, accessed online at: *http://www.eurocjd.ed.ac.uk/surveillance%20data%201.html#vcjd-cases.*
29. WHO, WHO Media centre, Variant Creutzfeldt-Jakob disease, Fact sheet N° 180 Revised February 2012, accessed online at: *http://www.who.int/mediacentre/factsheets/fs180/en/.*
30. WHO, WHO Tables on Tissue Infectivity Distribution in Transmissible Spongiform Encephalopathies (2010 Update), available at: *http://www.who.int/bloodproducts/tablestissueinfectivity.pdf.*
31. Report of the Meeting of the OIE Scientific Commission for Animal Diseases, Paris, 4–8 February 2013, *http://www.oie.int/doc/ged/D12361.PDF.*
32. Gill, O. N., Y. Spencer, A. Richard-Loendt, C. Kelly, et al., ''Prevalent Abnormal Prion Protein in Human Appendixes After Bovine Spongiform Encephalopathy Epizootic: Large Scale Survey,'' *British Medical Journal* 2013;347:f5675 doi: 10.1136/bmj.f5675 (published 15 October 2013).
33. CDC, CDC Surveillance for vCJD, available at: *http://www.cdc.gov/prions/vcjd/surveillance.html.*

List of Subjects

21 CFR Part 189

Food additives, Food packaging.

21 CFR Part 700

Cosmetics, Packaging and containers.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, the interim final rule amending 21 CFR parts 189 and 700, which was published on July 13, 2004, at 69 FR 42255, and amended on September 7, 2005, at 70 FR 53063, and amended on April 17, 2008, at 73 FR 20785, is adopted as a final rule with the following changes:

PART 189—SUBSTANCES PROHIBITED FROM USE IN HUMAN FOOD

■ 1. The authority citation for part 189 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 371, 381.

■ 2. Section 189.5 is amended by revising paragraph (a) to read as follows:

§ 189.5 Prohibited cattle materials.

(a) *Definitions.* The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) apply to such terms when used in this part. The following definitions also apply:

(1) *Prohibited cattle materials* mean specified risk materials, small intestine of all cattle except as provided in paragraph (b)(2) of this section, material from nonambulatory disabled cattle, material from cattle not inspected and passed, or mechanically separated (MS)(Beef). Prohibited cattle materials do not include the following:

(i) Tallow that contains no more than 0.15 percent insoluble impurities, tallow derivatives, gelatin, hides and hide-derived products, and milk and milk products, and

(ii) Cattle materials inspected and passed from a country designated under paragraph (e) of this section.

(2) *Inspected and passed* means that the product has been inspected and passed for human consumption by the appropriate regulatory authority, and at the time it was inspected and passed, it was found to be not adulterated.

(3) *Mechanically separated (MS) (Beef)* means a meat food product that is finely comminuted, resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle of cattle carcasses and parts of carcasses that meets the specifications contained in 9 CFR 319.5, the U.S. Department of Agriculture regulation that prescribes the standard of identity for MS (Species).

(4) *Nonambulatory disabled cattle* means cattle that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

(5) *Specified risk material* means the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months of age and older and the tonsils and distal ileum of the small intestine of all cattle.

(6) *Tallow* means the rendered fat of cattle obtained by pressing or by applying any other extraction process to tissues derived directly from discrete adipose tissue masses or to other carcass parts and tissues. Tallow must be produced from tissues that are not prohibited cattle materials or must contain no more than 0.15 percent insoluble impurities as determined by the method entitled ''Insoluble Impurities'' (AOCS Official Method Ca 3a-46), American Oil Chemists' Society (AOCS), 5th Edition, 1997, incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, or another method equivalent in accuracy, precision, and sensitivity to AOCS Official Method Ca 3a–46. You may obtain copies of the method from AOCS (*http://www.aocs.org*) 2211 W. Bradley Ave. Champaign, IL 61821. Copies may be examined at the Food and Drug Administration's Main Library, 10903 New Hampshire Ave., Bldg. 2, Third Floor, Silver Spring, MD 20993, 301–796–2039, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(7) *Tallow derivative* means any chemical obtained through initial hydrolysis, saponification, or trans-esterification of tallow; chemical conversion of material obtained by hydrolysis, saponification, or trans-esterification may be applied to obtain the desired product.

(8) *Gelatin* means a product that has been obtained by the partial hydrolysis of collagen derived from hides, connective tissue, and/or bone bones of cattle and swine. Gelatin may be either Type A (derived from an acid-treated precursor) or Type B (derived from an

alkali-treated precursor) that has gone through processing steps that include filtration and sterilization or an equivalent process in terms of infectivity reduction.

* * * * *

PART 700—GENERAL

■ 3. The authority citation for part 700 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 352, 355, 361, 362, 371, 374.

■ 4. Section 700.27 by is amended by revising paragraph (a) to read as follows:

§ 700.27 Use of prohibited cattle materials in cosmetic products.

(a) *Definitions.* The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) apply to such terms when used in this part. The following definitions also apply:

(1) *Prohibited cattle materials* mean specified risk materials, small intestine of all cattle except as provided in paragraph (b)(2) of this section, material from nonambulatory disabled cattle, material from cattle not inspected and passed, or mechanically separated (MS) (Beef). Prohibited cattle materials do not include the following:

(i) Tallow that contains no more than 0.15 percent insoluble impurities, tallow derivatives, gelatin, hides and hide-derived products, and milk and milk products, and

(ii) Cattle materials inspected and passed from a country designated under paragraph (e) of this section.

(2) *Inspected and passed* means that the product has been inspected and passed for human consumption by the appropriate regulatory authority, and at the time it was inspected and passed, it was found to be not adulterated.

(3) *Mechanically separated (MS) (Beef)* means a meat food product that is finely comminuted, resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle of cattle carcasses and parts of carcasses that meets the specifications contained in 9 CFR 319.5, the U.S. Department of Agriculture regulation that prescribes the standard of identity for MS (Species).

(4) *Nonambulatory disabled cattle* means cattle that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

(5) *Specified risk material* means the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months of age and older and the tonsils and distal ileum of the small intestine of all cattle.

(6) *Tallow* means the rendered fat of cattle obtained by pressing or by applying any other extraction process to tissues derived directly from discrete adipose tissue masses or to other carcass parts and tissues. Tallow must be produced from tissues that are not prohibited cattle materials or must contain no more than 0.15 percent insoluble impurities as determined by the method entitled ''Insoluble Impurities'' (AOCS Official Method Ca 3a–46), American Oil Chemists' Society (AOCS), 5th Edition, 1997, incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, or another method equivalent in accuracy, precision, and sensitivity to AOCS Official Method Ca 3a–46. You may obtain copies of the method from AOCS (*http://www.aocs.org*) 2211 W. Bradley Ave. Champaign, IL 61821. Copies may be examined at the Food and Drug Administration's Main Library, 10903 New Hampshire Ave., Bldg. 2, Third Floor, Silver Spring, MD 20993, 301–796–2039 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(7) *Tallow derivative* means any chemical obtained through initial hydrolysis, saponification, or trans-esterification of tallow; chemical conversion of material obtained by hydrolysis, saponification, or trans-esterification may be applied to obtain the desired product.

(8) *Gelatin* means a product that has been obtained by the partial hydrolysis of collagen derived from hides, connective tissue, and/or bone bones of cattle and swine. Gelatin may be either Type A (derived from an acid-treated precursor) or Type B (derived from an alkali-treated precursor) that has gone through processing steps that include filtration and sterilization or an equivalent process in terms of infectivity reduction.

* * * * *

Dated: March 14, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–06123 Filed 3–17–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0093]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

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 Tower Drawbridge across the Sacramento River, mile 59.0, at Sacramento, CA. The deviation is necessary to allow the community to participate in the Peace Love run. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 8:30 a.m. to 10:30 a.m. on March 26, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0093] is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.*

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The vertical lift bridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8:30 a.m. to 10:30 a.m. on March 26, 2016, to allow the community to participate in the Peace Love run. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. 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 vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: February 25, 2016.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2016–06189 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0195]

Drawbridge Operation Regulation; Jamaica Bay and Connecting Waterways, Queens, NY

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 Marine Parkway Bridge across the Jamaica Bay, mile 3.0, at Queens, New York. This deviation is necessary to allow the bridge owner to replace the auxiliary clutch shafts at the bridge.

DATES: This deviation is effective from 7 a.m. on April 4, 2016 to 5 p.m. on April 15, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0159] 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 Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, email *judy.k.leung-yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Marine Parkway Bridge, mile 3.0, across the Jamaica Bay, has a vertical clearance in the closed position of 55 feet at mean high water and 59 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.795(a).

The waterway is transited by commercial oil barge traffic of various sizes.

The bridge owner, MTA Bridges and Tunnels, requested a temporary deviation from the normal operating schedule to facilitate auxiliary clutch shafts replacement at the bridge.

Under this temporary deviation, the Marine Parkway Bridge shall remain in the closed position from 7 a.m. on April 4, 2016 to 5 p.m. April 15, 2016.

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

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations can arrange their transits to minimize any impact caused by the temporary deviation. The Coast Guard notified various companies of the commercial oil and barge vessels and they have no objections to the temporary deviation.

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

Dated: March 14, 2016.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2016–06068 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0103]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

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 Tower Drawbridge across the Sacramento River, mile 59.0, at Sacramento, CA. The deviation is necessary to allow the community to participate in the Sactown 10 race. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 5 a.m. to 11 a.m. on April 3, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0103] is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.*

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The vertical lift bridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 5 a.m. to 11 a.m. on April 3, 2016, to allow the community to participate in the Sactown 10 race. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. 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 vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: March 8, 2016.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2016–06185 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0174]

RIN 1625–AA00

Safety Zone; Urbanna Creek, Urbanna, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 200-yard radius of Dozier's Point Urbanna Marina on Urbanna Creek. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a marina fire and the resulting investigation and clean up efforts. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Hampton Roads.

DATES: This rule is effective without actual notice from March 18, 2016 through 4 p.m. on April 8, 2016. For the purposes of enforcement, actual notice will be used from 4 p.m. on March 4, 2016 through March 18, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0174 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Lisa Woodman, Waterways Management, Sector Hampton Roads, Coast Guard; telephone 757–668–5580, email *HamptonRoadsWaterway@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be ''impracticable, unnecessary, or contrary to the public interest,'' due to the exigent need to conduct investigations and clean up operations following an explosion and fire that occurred at Dozier's Point Urbanna Marina in Urbanna Creek, Urbanna, VA on the morning of February 29, 2016. Two persons lost their lives in the fire and over 50 boats burned or sustained damage. The nature of the incident and extent of damage makes it impracticable to provide a full comment period due to the lack of time. It is impracticable to publish an NPRM because we must establish this safety zone to continue the prior safety zone that is expiring 4 p.m. on March 4, 2016 that was established for the fire response.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Given the severity of the incident, a delay in enacting this safety zone would be contrary to public interest because recovery actions are necessary to ensure the navigable waters do not contain safety hazards as a result of the explosion and subsequent fire.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Hampton Roads (COTP) has determined that hazards resulting from the fire as well as clean-up and removal operations will be a safety concern for anyone within a 300-yard radius of the Dozier's Point Urbanna Marina. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while investigative and clean up operations are being conducted in response to the substantial damage which resulted from the fire.

IV. Discussion of the Rule

This rule establishes a safety zone from 4 p.m. on March 4, 2016 through 4 p.m. on April 8, 2016. The safety zone will cover all navigable waters within 300 yards of vessels and machinery being used by personnel to conduct recovery operations at Dozier's Point Urbanna Marina. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while recovery operations are conducted. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive order related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 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. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone will impact a small designated area of Urbanna Creek in Urbanna, VA as needed to support clean-up and until recovery operations are complete. The safety zone is in an area where and during a time of year when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this

rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 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 Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting five weeks that will prohibit entry within 500 yards of vessels and being used by personnel to conduct recovery operations. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are not required. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.2.

■ 2. Add § 165.T05–0174 to read as follows:

165.T05–0174 Safety Zone, Urbanna Creek; Urbanna, VA

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector Hampton Roads. Representative means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: specified waters of the Captain of the Port, Sector Hampton Roads zone, as defined in 33 CFR 3.25–10, waters of Urbanna Creek within a 200-yard radius of Dozier's Point Urbanna Marina in Urbanna, VA.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Contact on scene recovery vessels via VHF channel 13 and 16 for passage instructions.

(ii) If on scene proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement period.* This section will be enforced as necessary until 4 p.m. on April 8, 2016.

Dated: March 4, 2016.

Christopher S. Keane,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2016–06184 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[EPA–HQ–OAR–2016–0098; FRL–9943–90–OAR]

Findings of Failure To Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking a final action to find that several states have failed to submit State Implementation Plans (SIPs) to satisfy certain nonattainment area planning requirements of the Clean Air Act (CAA) for the 2010 1-Hour Primary Sulfur Dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). The purpose of the development and implementation of nonattainment area SIPs is to provide for attainment of the NAAQS as expeditiously as practicable following the designation of an area as nonattainment. These findings of failure to submit establish certain CAA deadlines for the EPA to impose sanctions if a state does not submit a SIP addressing those requirements and for the EPA to promulgate a Federal Implementation Plan (FIP) to address any outstanding SIP requirements.

DATES: The effective date of this action is April 18, 2016.

FOR FURTHER INFORMATION CONTACT: General questions concerning this notice should be addressed to Dr. Larry D. Wallace, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code: C504–2, 109 TW Alexander Drive, Research Triangle Park, NC 27709; by telephone (919) 541–0906; or by email at *wallace.larry@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Notice and Comment Under the Administrative Procedure Act (APA)

Section 553 of the APA, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because no significant EPA judgment is involved in making a finding of failure to submit SIPs, or elements of SIPs, required by the CAA, where states have made no submissions, or incomplete submissions, to meet the requirement. Thus, notice and public procedures are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

B. How can I get copies of this document and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2016–0098 for this action. All documents in the docket are listed on *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or information whose disclosure is restricted by statue. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form through *http://www.regulations.gov.*

C. Where do I go if I have a specific state question?

For questions related to specific states mentioned in this notice, please contact the appropriate EPA Regional office:

Regional offices	States
EPA Region I: Dave Conroy, Chief, Air Program Branch, Air Programs Branch, EPA New England, 1 Congress Street, Suite 1100, Boston, MA 02203–2211.	New Hampshire.
EPA Region III: Cristina Fernandez, Associate Director, Office of Air Program Planning, EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2187.	Pennsylvania, West Virginia.
EPA Region IV: R. Scott Davis, Chief, Air Planning Branch, EPA Region IV, Sam Nunn Federal Center, 61 Forsyth Street, 12th Floor, Atlanta, GA 30303–8960.	Tennessee, Kentucky.
EPA Region V: John Mooney, Chief, Air Programs Branch, EPA Region V, 77 West Jackson Street, Chicago, IL 60604.	Michigan, Ohio.
EPA Region VI: Guy Donaldson, Chief, Air Planning Section, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202–2733.	Louisiana.
EPA Region VII: Michael Jay, Chief, Air Programs Branch, EPA Region 7, 11201 Renner Blvd., Lenexa, Kansas 66219.	Iowa.
EPA Region VIII: Monica Morales, Chief, Air Program Manager, Air Quality Planning Unit, EPA Region VIII Air Program, 1595 Wynkoop St. (8P–AR), Denver, CO 80202–1129.	Montana.
EPA Region IX: Matt Lakin, Air Planning Office, EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105.	Arizona.

D. How is the preamble organized?

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- K. Congressional Review Act (CRA)
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II. Background

In June 2010, the EPA promulgated a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb), which is met when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb, as determined in accordance with Appendix T of 40 Code of Federal Regulations (CFR) part 50. *See* 40 CFR 50.17(a)–(b). On August 5, 2013, the EPA, as part of a first round of area designations, initially designated 29 areas in 16 states as nonattainment for the 2010 SO_2 NAAQS. 78 FR 47191, codified at 40 CFR part 81, subpart C. These initial area designations had an effective date of October 4, 2013.

Areas designated nonattainment for the SO_2 NAAQS are subject to the general nonattainment area planning requirements of CAA section 172 and to the SO_2-specific planning requirements of subpart 5 of part D of Title I of the CAA (sections 191 and 192). All components of the SO_2 part D nonattainment area SIP, including the emissions inventory, attainment demonstration, reasonably available control measures (RACM) and reasonably available control technology (RACT), reasonable further progress (RFP) plan, and contingency measures, are due to the EPA within 18 months of the effective date of designation of an area under CAA section 191. Thus, the nonattainment area SIPs for areas designated as of October 4, 2013, were due on April 4, 2015. These SIPs are required to demonstrate that their respective areas will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, or October 4, 2018.

III. Consequences of Findings of Failure To Submit

If the EPA finds that a state has failed to make the required SIP submittal or that a submitted SIP is incomplete, then CAA section 179(a) establishes specific consequences, including the imposition of mandatory sanctions for the affected area. Additionally, such a finding also triggers an obligation under CAA section 110(c) for the EPA to promulgate a FIP no later than 2 years from the finding of failure to submit, if the affected state has not submitted, and the EPA has not approved, the required SIP submittal. The statutory attainment date of October 4, 2018, applies to all areas designated nonattainment effective as of October 4, 2013, and not otherwise redesignated to attainment, regardless of the status of the SIP or FIP that applies to that area.

If the EPA has not affirmatively determined that a state has made the required complete SIP submittal for an area within 18 months of the effective date of this rulemaking, then, pursuant to CAA section 179(a) and (b) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b)(2) will apply in the affected nonattainment area. If the EPA has not affirmatively determined that the state has made a complete submission within 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected nonattainment area, in accordance with CAA section 179(b)(1) and 40 CFR 52.31. The sanctions will not take effect, if, within 18 months after the date of these findings, the EPA finds that the affected state has made a complete SIP submittal addressing the deficiency for which the finding was made. Additionally, if the state makes the required SIP submittal and the EPA takes final action to approve the submittal within 2 years of the effective date of these findings, the EPA is not required to promulgate a FIP for the affected nonattainment area, pursuant to CAA section 179(a) and 40 CFR 52.31.

IV. Findings of Failure To Submit for States That Failed To Make a Nonattainment Area SIP Submittal

As of the date of signature of this action, six states have made complete SIP submittals for 14 SO_2 nonattainment areas designated effective on October 4, 2013.[1] In this action, the EPA is making a finding of failure to submit SO_2 nonattainment area SIP submittals for 16 areas in 11 states.[2] The EPA is finding that the states and areas listed in the table below have failed to submit a complete SIP submittal required under part D of Title 1 of the CAA.

The EPA notes that the Billings, Montana nonattainment area is listed in this findings notice because the state has failed to submit a complete SIP for the area. However, the EPA has proposed both a clean data determination and a redesignation of the area to attainment in a separate action (81 FR 11727, March 7, 2016). Should the Billings, Montana nonattainment area be redesignated to attainment within the timeframes described above, the state will not be required to submit a nonattainment SIP for the area and no sanctions will take effect for the area. Likewise, the Campbell-Clermont multi-state nonattainment area is listed in this findings notice because Ohio and Kentucky have failed to submit complete SIPs for the area. However, both states have submitted redesignation requests for their respective parts of the Campbell-Clermont multi-state nonattainment area, seeking to have that area redesignated as attainment. The EPA has not yet acted on these requests. Should the EPA propose and then finalize redesignation of the area to attainment within the timeframes described above, neither state will be required to submit a nonattainment SIP for the area and no sanctions will take effect.

STATES AND SO_2 NONATTAINMENT AREAS AFFECTED BY THESE FINDINGS OF FAILURE TO SUBMIT

Regional office	State	Nonattainment area
Region I	New Hampshire	Central New Hampshire: Hillsborough County (p), Merrimack County (p), Rockingham County (p).
Region III	Pennsylvania	Allegheny: Allegheny County (p).
Region III	Pennsylvania	Beaver: Beaver County (p).
Region III	Pennsylvania	Indiana: Armstrong County (p), Indiana County (p).
Region III	Pennsylvania	Warren: Warren County (p).

[1] These six states and 14 areas are: Hillsborough County, FL; Nassau County, FL; Lake County, OH; Muskingum River, OH; Steubenville, OH-WV (OH portion); Marion County, IN: Morgan County, IN: Vigo County, IN; South West Indiana, IN; Rhinelander, WI; Jefferson County, MO; Jackson County, MO; Lemont, IL; and, Pekin, IL.

[2] There are currently 29 nonattainment areas in 16 states. However, the sum totals of areas and states with complete SIP submittals versus those without complete submittals are 30 and 17, respectively. The difference in these totals can be attributed to the fact that multiple SIP submittals are required for the two multi-state SO_2 nonattainment areas. For example, the EPA received a complete SIP submittal for the OH portion of the Steubenville, OH-WV multi-state nonattainment area, as noted in footnote #1. However, because WV has not made a complete SIP submittal for the area, WV is included in this findings notice for the Steubenville, OH-WV area. The area thus is counted both as an area for which a state (OH) made a complete SIP submittal and as an area for which a state (WV) still owes a complete SIP submittal.

STATES AND SO_2 NONATTAINMENT AREAS AFFECTED BY THESE FINDINGS OF FAILURE TO SUBMIT—Continued

Regional office	State	Nonattainment area
Region III	West Virginia	Marshall: Marshall County (p).
Region III	West Virginia	Steubenville (OH-WV): Brooke County, WV (p).
Region IV	Kentucky	Campbell-Clermont (OH-KY): Campbell County, KY (p).
Region IV	Kentucky	Jefferson County: Jefferson County (p).
Region IV	Tennessee	Sullivan County: Sullivan County (p).
Region V	Michigan	Detroit: Wayne County (p).
Region V	Ohio	Campbell-Clermont (OH-KY): Clermont County, OH (p).
Region VI	Louisiana	St. Bernard Parish: St. Bernard Parish.
Region VII	Iowa	Muscatine: Muscatine County (p).
Region VIII	Montana	Billings: Yellowstone County (p).
Region IX	Arizona	Hayden: Gila County (p), Pinal County (p).
Region IX	Arizona	Miami: Gila County (p).

Note: Partial counties are indicated in the table above as (p).

V. Environmental Justice Considerations

The EPA believes that the human health or environmental risks addressed by this action will not have disproportionately high or adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the level of protection provided to human health or environment under the SO_2 NAAQS. The purpose of this rule is to make findings that the affected states named have failed to submit the required SIPs to provide for timely attainment of the 1-hour primary SO_2 NAAQS, which results in certain CAA-required deadlines for actions to provide for such attainment. In finding that certain states have failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the 1-hour primary SO_2 NAAQS, this action does not directly affect the level of protection provided for human health or the environment. However, it is intended that the required actions and deadlines resulting from this notice will lead to greater protection for U.S. citizens, including minority, low-income, or indigenous populations, by reducing exposure to high ambient concentrations of SO_2.

VI. Statutory and Executive Order Reviews

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

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the PRA. This final rule does not establish any new information collection requirement apart from what is already required by law. This rule relates to the requirement in the CAA for states to submit SIPs under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) which address the statutory requirements that apply to areas designated as nonattainment for the SO_2 NAAQS.

C. Regulatory Flexibility Act (RFA)

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The rule is a finding that the named states have not submitted the necessary SIP requirements for nonattainment areas to meet the requirements of part D, title I of the CAA.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain any unfunded mandate as described in UMRA 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. This rule finds that several states failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the 1-hour primary SO_2 NAAQS. No tribe is subject to the requirement to submit an implementation plan under section 172 or under subpart 5 of part D of Title I of the CAA. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it is a finding that several states have failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA for the 1-hour primary SO_2 NAAQS and does not directly or disproportionately affect children.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. In finding that several states have failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA for the 1-hour primary SO_2 NAAQS, this action does not directly affect the level of protection provided to human health or the environment. The results of this evaluation are contained in the Section V of this preamble titled ''Environmental Justice Considerations.''

K. Congressional Review Act (CRA)

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

L. Judicial Review

Section 307(b)(l) of the CAA indicates which federal Courts of Appeal have venue for petitions of review of final agency actions by the EPA under the CAA. This section provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The EPA has determined that this final rule consisting of findings of failure to submit certain of the required SIP provisions is ''nationally applicable'' within the meaning of section 307(b)(1). This final agency action affects 16 nonattainment areas across the country that are located in 11 states, eight of the 10 EPA Regional offices, and eight different federal circuits, and multiple time zones. In addition, the rule addresses a common core of knowledge and analysis involved in formulating the decision and a common interpretation of the requirements of 40 CFR 51 appendix V applied to determining the completeness of SIPs in states across the country.

This determination is appropriate because in the 1977 CAA Amendments that revised CAA section 307(b)(l), Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has ''scope or effect beyond a single judicial circuit.'' H.R. Rep. No. 95–294 at 323–324, reprinted in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this action extends to the five judicial circuits that include the states across the country affected by this action. In these circumstances, section 307(b)(1) and its legislative history authorize the Administrator to find the rule to be of ''nationwide scope or effect'' and, thus, to indicate that venue for challenges lies in the D.C. Circuit. Accordingly, the EPA is determining that this rule is of nationwide scope or effect. 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 District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**. Filing a petition for review by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed and shall not postpone the effectiveness of such rule or action. Thus, any petitions for review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: March 10, 2016.

Janet G. McCabe,

Acting Assistant Administrator.

[FR Doc. 2016–06063 Filed 3–17–16; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1852

NASA Federal Acquisition Regulation Supplement

AGENCY: National Aeronautics and Space Administration.

ACTION: Technical amendment.

SUMMARY: NASA is making a technical amendment to the NASA Federal Acquisition Regulation Supplement (NFS) to provide a needed editorial change.

DATES: *Effective:* March 18, 2016.

FOR FURTHER INFORMATION CONTACT: Manuel Quinones, NASA, Office of Procurement, Contract and Grant Policy Division, via email at *manuel.quinones@nasa.gov,* or telephone (202) 358–2143.

SUPPLEMENTARY INFORMATION: This final rule amends the NFS to correct 1852.245–70 section heading.

List of Subjects in 48 CFR Part 1852

Government procurement.

Manuel Quinones,

NASA FAR Supplement Manager.

Therefore, 48 CFR part 1852 is amended as follows:

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 1852 continues to read as follows:

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

1852.245–70 [Amended]

■ 2. Amend section 1852.245–70 in the section heading by removing the word ''equipment'' and adding ''property'' in its place.

[FR Doc. 2016–06114 Filed 3–17–16; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150818742–6210–02]

RIN 0648–XE130

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2016 and 2017 Harvest Specifications for Groundfish

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

ACTION: Final rule; harvest specifications and closures.

SUMMARY: NMFS announces final 2016 and 2017 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2016 and 2017 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Harvest specifications and closures are effective at 1200 hrs, Alaska local time (A.l.t.), March 18, 2016, through 2400 hrs, A.l.t., December 31, 2017.

ADDRESSES: Electronic copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS), Record of Decision (ROD), and the Supplementary Information Report (SIR) to the EIS prepared for this action are available from *http://alaskafisheries.noaa.gov.* The final 2015 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2015, is available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510–2252, phone 907–271–2809, or from the Council's Web site at *http://www.npfmc.org.*

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the GOA groundfish fisheries in the exclusive economic zone of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. Upon consideration of public comment received under § 679.20(c)(1), NMFS must publish notice of final harvest specifications for up to two fishing years as annual target TAC, per § 679.20(c)(3)(ii). The final harvest specifications set forth in Tables 1 through 30 of this document reflect the outcome of this process, as required at § 679.20(c).

The proposed 2016 and 2017 harvest specifications for groundfish of the GOA and Pacific halibut PSC limits were published in the **Federal Register** on December 9, 2015 (80 FR 76405). Comments were invited and accepted through January 8, 2016. NMFS received two responses, containing five general categories of comments. A summary of the comments and NMFS's responses is found in the Response to Comment section of this rule. In December 2015, NMFS consulted with the Council regarding the 2016 and 2017 harvest specifications. After considering public testimony, as well as biological and economic data that were available at the Council's December 2015 meeting, NMFS is implementing the final 2016 and 2017 harvest specifications, as recommended by the Council. For 2016, the sum of the TAC amounts is 590,809 mt. For 2017, the sum of the TAC amounts is 573,872 mt.

Other Actions Potentially Affecting the 2016 and 2017 Harvest Specifications

Removal of Pacific Cod Sideboard Limits for Hook-and-Line Catcher/Processors

In May 2015, NMFS published a final rule implementing regulations associated with Amendment 45 to the FMP for Bering Sea/Aleutian Islands King and Tanner Crabs (Amendment 45) (80 FR 28539, May 19, 2015). Pursuant to § 680.22(e)(1)(ii), NMFS will permanently remove Pacific cod sideboard limits applicable to specified hook-and-line catcher/processors (C/P) in the Western and Central GOA regulatory areas once it receives an affidavit affirming that all eligible participants in these regulatory areas recommend removal of the Crab Rationalization Program GOA Pacific cod sideboard limits. NMFS received an affidavit that all eligible fishery participants in the Western and Central GOA recommend removal of these sideboard limits. Therefore, NMFS is permanently removing the sideboard limits and does not establish 2016 and 2017 Pacific cod sideboard limits for the hook-and-line C/P sector. These sideboard limits have been removed from Tables 21 and 22 of this rule.

Revise Maximum Retainable Amounts for Skates

In December 2014, the Council took final action to reduce the maximum retainable amount (MRA) for skates in the Gulf of Alaska (GOA). Per the Council's recommendation, NMFS published a proposed rule to modify regulations that specify the MRA for skates in the GOA (80 FR 39734, July 10, 2015). An MRA is expressed as a percentage and is the maximum amount of a species closed to directed fishing (*i.e.,* skate species) that may be retained on board a vessel relative to the retained amount of other groundfish species or halibut open for directed fishing (basis species). An MRA serves as a management tool to slow the harvest rates of incidental catch species and limit retention up to a maximum percentage of the amount of retained groundfish or halibut on board the vessel. NMFS has established a single MRA percentage for big skate (*Raja binoculata*), longnose skate (*Raja rhina*), and for all remaining skate species (*Bathyraja spp.*). The proposed rule would reduce the MRA for skates in the GOA from 20 percent to 5 percent. The reduced MRA would apply to all vessels directed fishing for groundfish or halibut in the GOA. NMFS anticipates that the proposed regulatory revisions associated with the skate MRA reduction will be effective in 2016.

Acceptable Biological Catch (ABC) and TAC Specifications

In December 2015, the Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed the most recent biological and harvest information about the condition of groundfish stocks in the GOA. This information was compiled by the

Council's GOA Groundfish Plan Team and was presented in the draft 2015 SAFE report for the GOA groundfish fisheries, dated November 2015 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an overfishing level (OFL) and ABC for each species or species group. The 2015 report was made available for public review during the public comment period for the proposed harvest specifications.

In previous years, the greatest changes from the proposed to the final harvest specifications have been based on recent NMFS stock surveys, which provide updated estimates of stock biomass and spatial distribution, and changes to the models used for producing stock assessments. At the November 2015 Plan Team meeting, NMFS scientists presented updated and new survey results, changes to stock assessment models, and accompanying stock assessment estimates for all groundfish species and species groups that are included in the final 2015 SAFE report. The SSC reviewed this information at the December 2015 Council meeting. Changes from the proposed to the final 2016 and 2017 harvest specifications are discussed below.

The final 2016 and 2017 OFLs, ABCs, and TACs are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used to compute OFLs and ABCs. The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fisheries scientists. This information is categorized into a successive series of six tiers to define OFL and ABC amounts, with Tier 1 representing the highest level of information quality available and Tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFL and ABC amounts for each groundfish species. The SSC adopted the final 2016 and 2017 OFLs and ABCs recommended by the Plan Team for all groundfish species. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations. The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the sum of all TACs within the required OY range of 116,000 to 800,000 mt.

The Council recommended 2016 and 2017 TACs that are equal to ABCs for pollock, sablefish, deep-water flatfish, rex sole, Pacific ocean perch, northern rockfish, shortraker rockfish, dusky rockfish, rougheye rockfish, demersal shelf rockfish, thornyhead rockfish, big skate, longnose skate, other skates, sculpins, sharks, squids, and octopuses in the GOA. The Council recommended TACs for 2016 and 2017 that are less than the ABCs for Pacific cod, shallow-water flatfish in the Western GOA, arrowtooth flounder, flathead sole in the Western and Central GOA, ''other rockfish'' in the Southeast Outside district, and Atka mackerel. The Pacific cod TACs are set to accommodate the State of Alaska's (State's) guideline harvest levels (GHLs) for Pacific cod so that the ABCs are not exceeded. The shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other, more fully utilized fisheries. The ''other rockfish'' TAC in the Southeast Outside District (SEO) is set to reduce the amount of discards. The Atka mackerel TAC is set to accommodate incidental catch amounts in other fisheries.

The final 2016 and 2017 harvest specifications approved by the Secretary of Commerce (Secretary) are unchanged from those recommended by the Council and are consistent with the preferred harvest strategy alternative in the EIS (see **ADDRESSES**). NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the biological condition of the groundfish stocks as described in the final 2015 SAFE report. NMFS also finds that the Council's recommendations for OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the OY range. NMFS reviewed the Council's recommended TAC specifications and apportionments, and approves these harvest specifications under 50 CFR 679.20(c)(3)(ii). The apportionment of TAC amounts among gear types and sectors, processing sectors, and seasons is discussed below.

Tables 1 and 2 list the final 2016 and 2017 OFLs, ABCs, TACs, and area apportionments of groundfish in the GOA. The sums of the 2016 and 2017 ABCs are 727,684 mt and 708,629 mt, respectively, which are higher in 2016 and 2017 than the 2015 ABC sum of 685,597 mt (80 FR 10250, February 25, 2015).

Specification and Apportionment of TAC Amounts

NMFS' apportionment of groundfish species is based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on the apportionment of pollock, Pacific cod, and sablefish are described below.

The ABC for the pollock stock in the combined Western, Central, and West Yakutat Regulatory Areas (W/C/WYK) includes the amount for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all State and Federal water pollock removals from the GOA not exceed ABC recommendations. For 2016 and 2017, the SSC recommended and the Council approved the W/C/WYK pollock ABC, including the amount to account for the State's PWS GHL. At the November 2015 Plan Team meeting, State fisheries managers recommended setting the PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2016, this yields a PWS pollock GHL of 6,358 mt, an increase of 1,575 mt from the 2015 PWS GHL of 4,783 mt. For 2017, the PWS pollock GHL is 6,264 mt, an increase of 1,481 mt from the 2015 PWS pollock GHL. The 2016 and 2017 pollock ABCs (247,952 mt and 244,280 mt, respectively) are then apportioned between the W/C/WYK management areas, as described below and detailed in Tables 1 and 2.

Apportionments of pollock to the W/C/WYK management areas are considered to be ''apportionments of annual catch limit (ACLs)'' rather than ''ABCs.'' This more accurately reflects that such apportionments address management, rather than biological or conservation, concerns. In addition, apportionments of the ACL in this manner allow NMFS to balance any transfer of TAC from one area to another pursuant to § 679.20(a)(5)(iv)(B) to ensure that the area-wide ACL and ABC are not exceeded.

NMFS establishes pollock TACs in the Western, Central, West Yakutat Regulatory Areas, and the Southeast Outside District of the GOA (see Tables 1 and 2). NMFS also establishes seasonal apportionments of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical Areas 610, 620, and 630.

These apportionments are divided equally among each of the following four seasons: the A season (January 20 through March 10), the B season (March 10 through May 31), the C season (August 25 through October 1), and the D season (October 1 through November 1) (§ 679.23(d)(2)(i) through (iv), and § 679.20(a)(5)(iv)(A) and (B)). Additional detail is provided below; Tables 3 and 4 list these amounts.

The 2016 and 2017 Pacific cod TACs are set to accommodate the State's GHL for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS. The Plan Team, SSC, AP, and Council recommended that the sum of all State and Federal water Pacific cod removals from the GOA not exceed ABC recommendations. Accordingly, the Council set the 2016 and 2017 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHLs. Therefore, the 2016 and 2017 Pacific cod TACs are less than the ABCs by the following amounts: (1) Western GOA, 12,151 mt; (2) Central GOA, 12,328 mt; and (3) Eastern GOA, 2,196 mt. These amounts reflect the State's 2016 and 2017 GHLs in these areas, which are 30 percent of the Western GOA ABC and 25 percent of the Eastern and Central ABCs.

NMFS establishes seasonal apportionments of the annual Pacific cod TAC in the Western and Central Regulatory Areas. Sixty percent of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. Forty percent of the annual TAC is apportioned to the B season for hook-and-line, pot, and jig gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. The Pacific cod sector apportionments are discussed in detail in a subsequent section of this preamble.

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area and makes available 5 percent of the combined Eastern Regulatory Area ABCs to trawl gear for use as incidental catch in other groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Tables 7 and 8 list the final 2016 and 2017 allocations of sablefish TAC to hook-and-line and trawl gear in the GOA.

Changes From the Proposed 2016 and 2017 Harvest Specifications in the GOA

In October 2015, the Council's recommendations for the proposed 2016 and 2017 harvest specifications (80 FR 76405, December 9, 2015) were based largely on information contained in the final 2014 SAFE report for the GOA groundfish fisheries, dated November 2014 (see **ADDRESSES**). The Council proposed that the final OFLs, ABCs, and TACs established for the 2016 groundfish fisheries (80 FR 10250, February 25, 2015) be used for the proposed 2016 and 2017 harvest specifications, pending completion and review of the final 2015 SAFE report at its December 2015 meeting.

As described previously, the SSC adopted the final 2016 and 2017 OFLs and ABCs recommended by the Plan Team. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations for 2016 and 2017. The final 2016 ABCs are higher than the proposed 2016 ABCs published in the proposed 2016 and 2017 harvest specifications (80 FR 76405, December 9, 2015) for pollock, shallow-water flatfish, arrowtooth flounder, Pacific ocean perch, rougheye rockfish, demersal shelf rockfish, thornyhead rockfish, other rockfish, big skate, sculpins, and octopuses. The final 2016 ABCs are lower than the proposed 2016 and 2017 ABCs for Pacific cod, sablefish, deep-water flatfish, rex sole, flathead sole, northern rockfish, shortraker rockfish, dusky rockfish, longnose skate, other skates, and sharks.

The final 2017 ABCs are higher than the proposed ABCs for shallow-water flatfish, arrowtooth flounder, Pacific ocean perch, rougheye rockfish, demersal shelf rockfish, thornyhead rockfish, other rockfish, big skate, sculpins, and octopuses. The final 2017 ABCs are lower than the proposed ABCs for pollock, Pacific cod, sablefish, deep-water flatfish, rex sole, flathead sole, northern rockfish, shortraker rockfish, dusky rockfish, longnose skate, ''other skates,'' and sharks. For the remaining target species—Atka mackerel and squids—the Council recommended, and the Secretary approved, the final 2016 and 2017 ABCs that are the same as the proposed 2016 and 2017 ABCs.

Additional information explaining the changes between the proposed and final ABCs is included in the final 2015 SAFE report, which was not available when the Council made its proposed ABC and TAC recommendations in October 2015. At that time, the most recent stock assessment information was contained in the final 2014 SAFE report. The final 2015 SAFE report contains the best and most recent scientific information on the condition of the groundfish stocks, as previously discussed in this preamble, and is available for review (see **ADDRESSES**). The Council considered the final 2015 SAFE report in December 2015 when it made recommendations for the final 2016 and 2017 harvest specifications. In the GOA, the total final 2016 TAC amount is 590,809 mt, an increase of less than one percent from the total proposed 2016 TAC amount of 590,161 mt. The total final 2017 TAC amount is 573,872 mt, a decrease of 3 percent from the total proposed 2017 TAC amount of 590,161 mt. The following table in this preamble summarizes the difference between the proposed and final TACs. Annual stock assessments incorporate a variety of new or revised inputs, such as survey data or catch information, as well as changes to the statistical models used to estimate a species' biomass and population trend.

Based on changes in the estimates of overall biomass made by stock assessment scientists for 2016 and 2017, as compared to the estimates previously made for 2015 and 2016, the greatest TAC increases are for shallow-water flatfish, Pacific ocean perch, rougheye rockfish, thornyhead rockfish, other rockfish, big skate, and octopuses. Notable increases include those for octopuses and other rockfish. The increase in the octopus ABC and TAC is a result of the increased octopus biomass estimates derived from the 2015 GOA trawl survey. The catch of octopus in the survey was unusually large, with octopus present in more than 15 percent of the survey tows. The estimated octopus biomass for the octopus assemblage is an order of magnitude higher than previous estimates. The rougheye rockfish biomass increase is due to both an increase in the catch in the GOA trawl survey, as well the adoption of a revised statistical model incorporating improvements to growth estimation, and a number of other model changes.

Based on changes in the estimates of biomass, the greatest decreases in TACs are for Pacific cod, sablefish, deep-water flatfish, rex sole, northern rockfish, other skates, and sharks. Notable decreases in TAC include those for deep-water flatfish, rex sole, other skates, and sharks. The GOA trawl survey biomass for deep-water flatfish was the lowest on record. The last full assessment of rex sole was completed in 2011. Incorporating the 2015 trawl survey data and a number of changes to the assessment model resulted in a decrease to estimated biomass, and the corresponding rex sole ABC and TAC.

The estimated biomass for other skates decreased due to a combination of the decrease in the survey biomass for other skates and a continue refinement of incorporating a random effects model in the other skates assessment model. Finally, the shark TAC decreased primarily due to the implementation of a random effects model for biomass estimation.

For all other species and species groups, changes from the proposed to the final TACs are within plus or minus five percent of the proposed TACs. These TAC changes correspond to associated changes in the ABCs and TACs, as recommended by the SSC, AP, and Council.

Additionally, based on the Council's recommended changes in setting the TACs at amounts below ABCs, the greatest decreases in TACs are for shallow-water flatfish, arrowtooth flounder, flathead sole, and ''other rockfish.'' The Council believed, and NMFS concurs, that setting TACs for the three preceding flatfish species equal to ABCs would not reflect anticipated harvest levels accurately, as the Council and NMFS expect halibut PSC limits to constrain these fisheries in 2016 and 2017.

Detailed information providing the basis for the changes described above is contained in the final 2015 SAFE report. The final TACs are based on the best scientific information available. These TACs are specified in compliance with the harvest strategy described in the proposed and final rules for the 2016 and 2017 harvest specifications. The changes in TACs between the proposed rule and this final rule are compared in Table 1a.

TABLE 1a—COMPARISON OF PROPOSED AND FINAL 2016 AND 2017 GOA TOTAL ALLOWABLE CATCH LIMITS

[Values are rounded to the nearest metric ton and percentage]

Species	2016 and 2017 proposed TAC	2016 Final TAC	2016 Final minus 2016 proposed TAC	Percentage difference	2017 Final TAC	2017 Final minus 2017 proposed TAC	Percentage difference
Pollock	257,178	257,872	694	0	254,200	−2,978	−1
Pacific cod	75,202	71,925	−3,277	−4	62,150	−13,052	−17
Sablefish	9,558	9,087	−471	−5	8,307	−1,251	−13
Shallow-water flatfish	32,877	36,763	3,886	12	34,855	1,978	6
Deep-water flatfish	13,177	9,226	−3,951	−30	9,281	−3,896	−30
Rex sole	8,979	7,493	−1,486	−17	7,507	−1,472	−16
Arrowtooth flounder	103,300	103,300	0	0	103,300	0	0
Flathead sole	27,759	27,832	73	0	27,850	91	0
Pacific ocean perch	21,436	24,437	3,001	14	24,189	2,753	13
Northern rockfish	4,721	4,004	−717	−15	3,768	−953	−20
Shortraker rockfish	1,323	1,286	−37	−3	1,286	−37	−3
Dusky rockfish	4,711	4,686	−25	−1	4,284	−427	−9
Rougheye rockfish	1,142	1,328	186	16	1,325	183	16
Demersal shelf rockfish	225	231	6	3	231	6	3
Thornyhead rockfish	1,841	1,961	120	7	1,961	120	7
Other rockfish	1,811	2,308	497	27	2,308	497	27
Atka mackerel	2,000	2,000	0	0	2,000	0	0
Big skate	3,255	3,814	559	17	3,814	559	17
Longnose skate	3,218	3,206	−12	0	3,206	−12	0
Other skates	2,235	1,919	−316	−14	1,919	−316	−14
Sculpins	5,569	5,591	22	0	5,591	22	0
Sharks	5,989	4,514	−1,475	−25	4,514	−1,475	−25
Squids	1,148	1,148	0	0	1,148	0	0
Octopuses	1,507	4,878	3,371	224	4,878	3,371	224
Total	590,161	590,809	648	0	573,872	−16,289	−3

The final 2016 and 2017 TAC recommendations for the GOA are within the OY range established for the GOA and do not exceed the ABC for any species or species group. Tables 1 and 2 list the final OFL, ABC, and TAC amounts for GOA groundfish for 2016 and 2017, respectively.

TABLE 1—FINAL 2016 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
Pollock [2]	Shumagin (610)	n/a	56,494	56,494
	Chirikof (620)	n/a	124,927	124,927
	Kodiak (630)	n/a	57,183	57,183
	WYK (640)	n/a	9,348	9,348
	W/C/WYK (subtotal)	322,858	254,310	247,952
	SEO (650)	13,226	9,920	9,920
	Total	336,084	264,230	257,872
Pacific cod [3]	W	n/a	40,503	28,352

TABLE 1—FINAL 2016 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
	C	n/a	49,312	36,984
	E	n/a	8,785	6,589
	Total	116,700	98,600	71,925
Sablefish [4]	W	n/a	1,272	1,272
	C	n/a	4,023	4,023
	WYK	n/a	1,475	1,475
	SEO	n/a	2,317	2,317
	E (WYK and SEO) (subtotal)	n/a	3,792	3,792
	Total	10,326	9,087	9,087
Shallow-water flatfish [5]	W	n/a	20,851	13,250
	C	n/a	19,242	19,242
	WYK	n/a	3,177	3,177
	SEO	n/a	1,094	1,094
	Total	54,520	44,364	36,763
Deep-water flatfish [6]	W	n/a	186	186
	C	n/a	3,495	3,495
	WYK	n/a	2,997	2,997
	SEO	n/a	2,548	2,548
	Total	11,102	9,226	9,226
Rex sole	W	n/a	1,315	1,315
	C	n/a	4,445	4,445
	WYK	n/a	766	766
	SEO	n/a	967	967
	Total	9,791	7,493	7,493
Arrowtooth flounder	W	n/a	28,183	14,500
	C	n/a	107,981	75,000
	WYK	n/a	37,368	6,900
	SEO	.....	12,656	6,900
	Total	219,430	186,188	103,300
Flathead sole	W	n/a	11,027	8,650
	C	n/a	20,211	15,400
	WYK	n/a	2,930	2,930
	SEO	n/a	852	852
	Total	42,840	35,020	27,832
Pacific ocean perch [7]	W	.....	2,737	2,737
	C	.....	17,033	17,033
	WYK	.....	2,847	2,847
	W/C/WYK subtotal	26,313	22,617	22,617
	SEO	2,118	1,820	1,820
	Total	28,431	24,437	24,437
Northern rockfish [8]	W	n/a	457	457
	C	n/a	3,547	3,547
	E	n/a	4	.....
	Total	4,783	4,004	4,004
Shortraker rockfish [9]	W	n/a	38	38
	C	n/a	301	301
	E	n/a	947	947
	Total	1,715	1,286	1,286
Dusky rockfish [10]	W	n/a	173	173
	C	n/a	4,147	4,147

TABLE 1—FINAL 2016 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
	WYK	n/a	275	275
	SEO	n/a	91	91
	Total	5,733	4,686	4,686
Rougheye and Blackspotted rockfish [11]	W	n/a	105	105
	C	n/a	707	707
	E	n/a	516	516
	Total	1,596	1,328	1,328
Demersal shelf rockfish [12]	SEO	364	231	231
Thornyhead rockfish	W	n/a	291	291
	C	n/a	988	988
	E	n/a	682	682
	Total	2,615	1,961	1,961
Other rockfish [13 14]	W and C	n/a	1,534	1,534
	WYK	n/a	574	574
	SEO	n/a	3,665	200
	Total	7,424	5,773	2,308
Atka mackerel	GW	6,200	4,700	2,000
Big skate [15]	W	n/a	908	908
	C	n/a	1,850	1,850
	E	n/a	1,056	1,056
	Total	5,086	3,814	3,814
Longnose skate [16]	W	n/a	61	61
	C	n/a	2,513	2,513
	E	n/a	632	632
	Total	4,274	3,206	3,206
Other skates [17]	GW	2,558	1,919	1,919
Sculpins	GW	7,338	5,591	5,591
Sharks	GW	6,020	4,514	4,514
Squids	GW	1,530	1,148	1,148
Octopus	GW	6,504	4,878	4,878
Total		892,964	727,684	590,809

[1] Regulatory areas and districts are defined at § 679.2. (W = Western Gulf of Alaska; C = Central Gulf of Alaska; E = Eastern Gulf of Alaska; WYK = West Yakutat District; SEO = Southeast Outside District; GW = Gulf-wide).

[2] The aggregate pollock ABC for the Western, Central, and West Yakutat Regulatory Areas is apportioned among four statistical areas after deducting 2.5 percent of the ABC for the State's pollock GHL fishery. These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 3. In the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

[3] The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod in the Eastern Regulatory Area is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Table 5 lists the final 2016 Pacific cod seasonal apportionments.

[4] Sablefish is allocated to trawl and hook-and-line gear in 2016. Table 7 lists the final 2016 allocations of sablefish TACs.

[5] "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

[6] "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

[7] "Pacific ocean perch" means *Sebastes alutus.*

[8] "Northern rockfish" means *Sebastes polyspinis.* For management purposes the 4 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.

[9] "Shortraker rockfish" means *Sebastes borealis.*

[10] "Dusky rockfish" means *Sebastes variabilis.*

[11] "Rougheye rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

[12] "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

[13] "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis.*

[14] "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The "other rockfish" species group in the SEO District only includes other rockfish.

[15] "Big skate" means *Raja binoculata.*
[16] "Longnose skate" means *Raja rhina.*
[17] "Other skates" means *Bathyraja* spp.

TABLE 2—FINAL 2017 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
Pollock [2]	Shumagin (610)	n/a	55,657	55,657
	Chirikof (620)	n/a	123,078	123,078
	Kodiak (630)	n/a	56,336	56,336
	WYK (640)	n/a	9,209	9,209
	W/C/WYK (subtotal)	289,937	250,544	244,280
	SEO (650)	13,226	9,920	9,920
	Total	303,163	260,464	254,200
Pacific cod [3]	W	n/a	34,998	24,499
	C	n/a	42,610	31,958
	E	n/a	7,592	5,693
	Total	100,800	85,200	62,150
Sablefish [4]	W	n/a	1,163	1,163
	C	n/a	3,678	3,678
	WYK	n/a	1,348	1,348
	SEO	n/a	2,118	2,118
	E (WYK and SEO) (subtotal)	n/a	3,466	3,466
	Total	9,825	8,307	8,307
Shallow-water flatfish [5]	W	n/a	19,159	13,250
	C	n/a	17,680	17,680
	WYK	n/a	2,919	2,919
	SEO	n/a	1,006	1,006
	Total	50,220	40,764	34,855
Deep-water flatfish [6]	W	n/a	187	187
	C	n/a	3,516	3,516
	WYK	n/a	3,015	3,015
	SEO	n/a	2,563	2,563
	Total	11,168	9,281	9,281
Rex sole	W	n/a	1,318	1,318
	C	n/a	4,453	4,453
	WYK	n/a	767	767
	SEO	n/a	969	969
	Total	9,810	7,507	7,507
Arrowtooth flounder	W	n/a	28,659	14,500
	C	n/a	109,804	75,000
	WYK	n/a	37,999	6,900
	SEO	n/a	12,870	6,900
	Total	196,714	189,332	103,300
Flathead sole	W	n/a	11,080	8,650
	C	n/a	20,307	15,400
	WYK	n/a	2,944	2,944
	SEO	n/a	856	856
	Total	43,060	35,187	27,850
Pacific ocean perch [7]	W	.....	2,709	2,709
	C	.....	16,860	16,860
	WYK	.....	2,818	2,818
	W/C/WYK	23,876	22,387	22,387
	SEO	973	1,802	1,802
	Total	28,141	24,189	24,189

TABLE 2—FINAL 2017 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
Northern rockfish [8]	W	n/a	430	430
	C	n/a	3,338	3,338
	E	n/a	4	
	Total	4,501	3,768	3,768
Shortraker rockfish [9]	W	n/a	38	38
	C	n/a	301	301
	E	n/a	947	947
	Total	1,715	1,286	1,286
Dusky rockfish [10]	W	n/a	159	159
	C	n/a	3,791	3,791
	WYK	n/a	251	251
	SEO	n/a	83	83
	Total	5,253	4,284	4,284
Rougheye and Blackspotted rockfish [11]	W	n/a	105	105
	C	n/a	705	705
	E	n/a	515	515
	Total	1,592	1,325	1,325
Demersal shelf rockfish [12]	SEO	364	231	231
Thornyhead rockfish	W	n/a	291	291
	C	n/a	988	988
	E	n/a	682	682
	Total	2,615	1,961	1,961
Other rockfish [13 14]	W and C	n/a	1,534	1,534
	WYK	n/a	574	574
	SEO	n/a	3,665	200
	Total	7,424	5,773	2,308
Atka mackerel	GW	6,200	4,700	2,000
Big skate [15]	W	n/a	908	908
	C	n/a	1,850	1,850
	E	n/a	1,056	1,056
	Total	5,086	3,814	3,814
Longnose skate [16]	W	n/a	61	61
	C	n/a	2,513	2,513
	E	n/a	632	632
	Total	4,274	3,206	3,206
Other skates [17]	GW	2,558	1,919	1,919
Sculpins	GW	7,338	5,591	5,591
Sharks	GW	6,020	4,514	4,514
Squids	GW	1,530	1,148	1,148
Octopus	GW	6,504	4,878	4,878
Total		815,875	708,629	573,872

[1] Regulatory areas and districts are defined at § 679.2. (W = Western Gulf of Alaska; C = Central Gulf of Alaska; E = Eastern Gulf of Alaska; WYK = West Yakutat District; SEO = Southeast Outside District; GW = Gulf-wide).

[2] The aggregate pollock ABC for the Western, Central, and West Yakutat Regulatory Areas is apportioned among four statistical areas after deducting 2.5 percent of the ABC for the State's pollock GHL fishery. These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 4. In the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

[3] The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod in the Eastern Regulatory Area is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Table 6 lists the final 2017 Pacific cod seasonal apportionments.

[4] Sablefish is only allocated to trawl gear for 2017. Table 8 lists the final 2017 allocation of sablefish TACs to trawl gear.

[5] "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

[6] "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

[7] "Pacific ocean perch" means *Sebastes alutus.*
[8] "Northern rockfish" means *Sebastes polyspinis.* For management purposes the 4 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.
[9] "Shortraker rockfish" means *Sebastes borealis.*
[10] "Dusky rockfish" means *Sebastes variabilis.*
[11] "Rougheye rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).
[12] "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).
[13] "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis.*
[14] "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The "other rockfish" species group in the SEO District only includes other rockfish.
[15] "Big skate" means *Raja binoculata.*
[16] "Longnose skate" means *Raja rhina.*
[17] "Other skates" means *Bathyraja* spp.

Apportionment of Reserves

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sculpins, sharks, squids, and octopuses in reserve for possible apportionment at a later date during the fishing year. For 2016 and 2017, NMFS proposed reapportionment of all the reserves in the proposed 2016 and 2017 harvest specifications published in the **Federal Register** on December 9, 2015 (80 FR 76405). NMFS did not receive any public comments on the proposed reapportionments. For the final 2016 and 2017 harvest specifications, NMFS reapportioned, as proposed, all the reserves for pollock, Pacific cod, flatfish, sculpins, sharks, squids, and octopuses. The TACs listed in Tables 1 and 2 reflect reapportionments of reserve amounts for these species and species groups.

Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into four equal seasonal allowances of 25 percent. As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively.

Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630, pursuant to § 679.20(a)(5)(iv)(A). In the A and B seasons, the apportionments are in proportion to the distribution of pollock biomass based on the four most recent NMFS winter surveys. In the C and D seasons, the apportionments are in proportion to the distribution of pollock biomass based on the four most recent NMFS summer surveys. However, for 2016 and 2017, the Council recommended, and NMFS approves, averaging the winter and summer distribution of pollock in the Central Regulatory Area for the A season instead of using the distribution based on only the winter surveys. The average is intended to reflect the migration patterns and distribution of pollock, and the anticipated performance of the fishery, in that area during the A season for the 2016 and 2017 fishing years. For the A season, the apportionment is based on an adjusted estimate of the relative distribution of pollock biomass of approximately 6 percent, 73 percent, and 21 percent in Statistical Areas 610, 620, and 630, respectively. For the B season, the apportionment is based on the relative distribution of pollock biomass at 6 percent, 85 percent, and 9 percent in Statistical Areas 610, 620, and 630, respectively. For the C and D seasons, the apportionment is based on the relative distribution of pollock biomass at 41 percent, 26 percent, and 33 percent in Statistical Areas 610, 620, and 630, respectively.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be added to, or subtracted from, subsequent seasonal allowances in a manner to be determined by the Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the other statistical areas, in proportion to the estimated biomass in the subsequent season in those statistical areas (§ 679.20(a)(5)(iv)(B)). The pollock TACs in the WYK and SEO District of 9,348 mt and 9,920 mt, respectively, in 2016, and 9,209 mt and 9,920 mt, respectively, in 2017, are not allocated by season.

Section 679.20(a)(6)(i) requires the allocation of 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is that amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these incidental catch amounts of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component.

Tables 3 and 4 list the final 2016 and 2017 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances. The amounts of pollock for processing by the inshore and offshore components are not shown.

TABLE 3—FINAL 2016 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Season [1]	Shumagin (Area 610)		Chirikof (Area 620)		Kodiak (Area 630)		Total [2]
A (Jan 20–Mar 10)	3,827	6.41%	43,374	72.71%	12,456	20.88%	59,651
B (Mar 10–May 31)	3,826	6.41%	50,747	85.07%	5,083	8.52%	59,651
C (Aug 25–Oct 1)	24,421	40.94%	15,404	25.82%	19,822	33.23%	59,651
D (Oct 1–Nov 1)	24,421	40.94%	15,402	25.82%	19,822	33.23%	59,651
Annual Total	56,494		124,927		57,183		238,604

[1] As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

[2] The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

TABLE 4—FINAL 2017 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Season [1]	Shumagin (Area 610)		Chirikof (Area 620)		Kodiak (Area 630)		Total [2]
A (Jan 20–Mar 10)	3,769	6.41%	42,732	72.71%	12,272	20.88%	58,768
B (Mar 10–May 31)	3,769	6.41%	49,996	85.07%	5,007	8.52%	58,768
C (Aug 25–Oct 1)	24,060	40.94%	15,176	25.82%	19,529	33.23%	58,768
D (Oct 1–Nov 1)	24,060	40.94%	15,175	25.82%	19,529	33.23%	58,768
Annual Total	55,657		123,078		56,336		235,071

[1] As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

[2] The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Annual and Seasonal Apportionments of Pacific Cod TAC

Section 679.20(a)(12)(i) requires the allocation of the Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors. Section 679.20(a)(6)(ii) requires the allocation of the Pacific cod TACs in the Eastern Regulatory Area of the GOA between the inshore and offshore components. NMFS allocates the 2016 and 2017 Pacific cod TAC based on these sector allocations annually between the inshore and offshore components in the Eastern GOA; seasonally between vessels using jig gear, catcher vessels (CVs) using hook-and-line gear, C/Ps using hook-and-line gear, CVs using trawl gear, and vessels using pot gear in the Western GOA; seasonally between vessels using jig gear, CVs less than 50 feet length overall using hook-and-line gear, CVs greater than or equal to 50 feet length overall using hook-and-line gear, C/Ps using hook-and-line gear, CVs using trawl gear, C/Ps using trawl gear, and vessels using pot gear in the Central GOA. The overall seasonal apportionments in the Western and Central GOA are 60 percent of the annual TAC to the A season and 40 percent of the annual TAC to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod allowance from the A season will be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that NMFS determines is likely to go unharvested by a sector may be reapportioned to other sectors for harvest during the remainder of the fishery year.

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels with a Federal Fisheries Permit (FFP) that use jig gear before TAC is apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (See Table 1 of Amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of 2 years. NMFS has evaluated the 2015 harvest performance of the jig sector in the Western and Central GOA, and is establishing the 2016 and 2017 Pacific cod apportionments to this sector as follows.

NMFS allocates the jig sector 3.5 percent of the annual Pacific cod TAC in the Western GOA. This is the same amount as the 2015 jig sector allocation, because in 2015 this sector harvested less than 90 percent of the initial 2015 allocation. The 2016 and 2017 allocations include a base allocation of 1.5 percent, and an additional 2.0 percent because this sector harvested greater than 90 percent of its initial 2012 and 2014 allocations in the Western GOA. NMFS also allocates the jig sector 1.0 percent of the annual Pacific cod TAC in the Central GOA. This is the same amount as the 2015 jig sector allocation, because in 2015 this sector harvested less than 90 percent of the initial 2015 allocation. The 2016 and 2017 allocations consist of a base allocation of 1.0 percent and no additional increases in the Central GOA. Tables 5 and 6 list the seasonal apportionments and allocations of the 2016 and 2017 Pacific cod TACs.

TABLE 5—FINAL 2016 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA:					
Jig (3.5% of TAC)	992	N/A	595	N/A	397
Hook-and-line CV	383	0.70	192	0.70	192
Hook-and-line C/P	5,417	10.90	2,982	8.90	2,435
Trawl CV	10,506	27.70	7,579	10.70	2,927
Trawl C/P	657	0.90	246	1.50	410
All Pot CV and Pot C/P	10,397	19.80	5,417	18.20	4,979
Total	28,352	60.00	17,011	40.00	11,341
Central GOA:					
Jig (1.0% of TAC)	370	N/A	222	N/A	148
Hook-and-line < 50 CV	5,347	9.32	3,411	5.29	1,936
Hook-and-line ≥ 50 CV	2,456	5.61	2,054	1.10	402
Hook-and-line C/P	1,869	4.11	1,504	1.00	365
Trawl CV[1]	15,226	21.14	7,738	20.45	7,487
Trawl C/P	1,537	2.00	734	2.19	804
All Pot CV and Pot C/P	10,180	17.83	6,528	9.97	3,652
Total	36,984	60.00	22,190	40.00	14,794
Eastern GOA	6,589	Inshore (90% of Annual TAC)	5,930	Offshore (10% of Annual TAC)	659

[1] Trawl vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 1,409 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table 12).

TABLE 6—FINAL 2017 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount.]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA:					
Jig (3.5% of TAC)	857	N/A	514	N/A	343
Hook-and-line CV	331	0.70	165	0.70	165
Hook-and-line C/P	4,681	10.90	2,577	8.90	2,104
Trawl CV	9,078	27.70	6,549	10.70	2,530
Trawl C/P	567	0.90	213	1.50	355
All Pot CV and Pot C/P	8,984	19.80	4,681	18.20	4,303
Total	24,499	60.00	14,699	40.00	9,799
Central GOA:					
Jig (1.0% of TAC)	320	N/A	192	N/A	128
Hook-and-line < 50 CV	4,620	9.32	2,947	5.29	1,673
Hook-and-line ≥ 50 CV	2,122	5.61	1,775	1.10	347
Hook-and-line C/P	1,615	4.11	1,299	1.00	316
Trawl CV[1]	13,156	21.14	6,687	20.45	6,470
Trawl C/P	1,328	2.00	634	2.19	694
All Pot CV and Pot C/P	8,797	17.83	5,641	9.97	3,156
Total	31,958	60.00	19,175	40.00	12,783

TABLE 6—FINAL 2017 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS—Continued

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount.]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Eastern GOA		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
	5,693	5,124		569	

[1] Trawl vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 1,218 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table13).

Allocations of the Sablefish TACs Amounts to Vessels Using Hook-and-Line and Trawl Gear

Section 679.20(a)(4)(i) and (ii) require allocations of sablefish TACs for each of the regulatory areas and districts to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to hook-and-line gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is allocated to hook-and-line gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used to support incidental catch of sablefish in directed fisheries for other target species (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS approves the allocation of 5 percent of the combined Eastern Regulatory Area sablefish TAC to trawl gear in the WYK District, making the remainder of the WYK sablefish TAC available to vessels using hook-and-line gear. NMFS allocates 100 percent of the sablefish TAC in the SEO District to vessels using hook-and-line gear. This action results in a 2016 allocation of 190 mt to trawl gear and 1,285 mt to hook-and-line gear in the WYK District, a 2016 allocation of 2,317 mt to hook-and-line gear in the SEO District, and a 2017 allocation of 173 mt to trawl gear in the WYK District. Table 7 lists the allocations of the 2016 sablefish TACs to hook-and-line and trawl gear. Table 8 lists the allocations of the 2017 sablefish TACs to trawl gear.

The Council recommended that the hook-and-line sablefish TAC be established annually to ensure that this Individual Fishery Quota (IFQ) fishery is conducted concurrently with the halibut IFQ fishery and is based on recent sablefish survey information. The Council also recommended that only a trawl sablefish TAC be established for two years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Since there is an annual assessment for sablefish and the final harvest specifications are expected to be published before the IFQ season begins March 19, 2016, the Council recommended that the hook-and-line sablefish TAC be set on an annual basis, rather than for two years, so that the best scientific information available could be considered in establishing the sablefish ABCs and TACs. With the exception of the trawl allocations that were provided to the Rockfish Program cooperatives, directed fishing for sablefish with trawl gear is closed during the fishing year. Also, fishing for groundfish with trawl gear is prohibited prior to January 20. Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2016 and 2017 harvest specifications.

TABLE 7—FINAL 2016 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATIONS TO HOOK-AND-LINE AND TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/District	TAC	Hook-and-line allocation	Trawl allocation
Western	1,272	1,017	255
Central	4,023	3,218	805
West Yakutat [1]	1,475	1,285	190
Southeast Outside	2,317	2,317	0
Total	9,087	7,837	1,250

[1] The trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside combined) sablefish TAC to trawl gear in the West Yakutat District.

TABLE 8—FINAL 2017 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATION TO TRAWL GEAR [1]

[Values are rounded to the nearest metric ton]

Area/District	TAC	Hook-and-line allocation	Trawl allocation
Western	1,163	n/a	233

TABLE 8—FINAL 2017 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATION TO TRAWL GEAR [1]—Continued

[Values are rounded to the nearest metric ton]

Area/District	TAC	Hook-and-line allocation	Trawl allocation
Central	3,678	n/a	736
West Yakutat [2]	1,348	n/a	173
Southeast Outside	2,118	n/a	0
Total	8,307	n/a	1,142

[1] The Council recommended that harvest specifications for the hook-and-line gear sablefish Individual Fishing Quota fisheries be limited to 1 year.

[2] The trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside combined) sablefish TAC to trawl gear in the West Yakutat District.

Demersal Shelf Rockfish (DSR)

The recommended 2016 and 2017 DSR TAC is 231 mt, and management of DSR is delegated to the State. The Alaska Board of Fish has apportioned the annual SEO District DSR TACs between the commercial fishery (84 percent) and the sport fishery (16 percent) after deductions were made for anticipated subsistence harvests (7 mt). This results in 2016 and 2017 allocations of 188 mt to the commercial fishery and 36 mt to the sport fishery.

The State deducts estimates of incidental catch of DSR in the commercial halibut fishery and test fishery mortality from the DSR commercial fishery allocation. In 2015, this resulted in 32 mt being available for the directed commercial DSR fishery apportioned in one DSR district. The State estimated that there was not sufficient DSR quota available to have orderly fisheries in the three other DSR districts. DSR harvest in the halibut fishery is linked to the annual halibut catch limits; therefore the State can only estimate potential DSR incidental catch because halibut catch limits are established by the International Pacific Halibut Commission (IPHC). Federally permitted CVs using hook-and-line or jig gear fishing for groundfish and Pacific halibut in the SEO District of the GOA are required to retain all DSR (§ 679.20(j)).

Apportionments to the Central GOA Rockfish Program

These final 2016 and 2017 harvest specifications for the GOA include the various fishery cooperative allocations and sideboard limitations established by the Central GOA Rockfish Program. Program participants are primarily trawl CVs and trawl C/Ps, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to participants for primary and secondary species, allows participants holding a license limitation program (LLP) license with rockfish quota share to form a rockfish cooperative, and allows holders of C/P LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear.

Under the Rockfish Program, rockfish primary species (Pacific ocean perch, northern rockfish, and dusky rockfish) in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed groundfish fisheries. Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species (Pacific cod, rougheye rockfish, sablefish, shortraker rockfish, and thornyhead rockfish).

Additionally, the Rockfish Program establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. Besides groundfish species, the Rockfish Program allocates a portion of the trawl halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d)), which includes 117 mt to the trawl CV sector and 74 mt to the trawl C/P sector.

Section 679.81(a)(2)(ii) requires allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 30 mt of dusky rockfish to the entry level longline fishery in 2016 and 2017. The allocation for the entry level longline fishery would increase incrementally each year if the catch exceeds 90 percent of the allocation of a species. The incremental increase in the allocation would continue each year until it is the maximum percent of the TAC for that species. In 2015, the catch did not exceed 90 percent of any allocated rockfish species. Therefore, NMFS is not increasing the entry level longline fishery 2016 and 2017 allocations in the Central GOA. Longline gear includes hook-and-line, jig, troll, and handline gear. The remainder of the TACs for the rockfish primary species would be allocated to the CV and C/P cooperatives. Table 9 lists the allocations of the 2016 and 2017 TACs for each rockfish primary species to the entry level longline fishery, the incremental increase for future years, and the maximum percent of the TAC for the entry level longline fishery.

TABLE 9—FINAL 2016 AND INITIAL 2017 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA

Rockfish primary species	2016 and 2017 allocations	Incremental increase in 2017 if ≥ 90% of 2016 allocation is harvested	Up to maximum % of TAC
Pacific ocean perch	5 metric tons	5 metric tons	1%
Northern rockfish	5 metric tons	5 metric tons	2%
Dusky rockfish	30 metric tons	20 metric tons	5%

Section 679.81(a)(2) requires allocations of the rockfish primary species among various sectors of the Rockfish Program. Tables 10 and 11 list the final 2016 and 2017 allocations of rockfish primary species in the Central GOA to the entry level longline fishery and Rockfish CV and C/P Cooperatives in the Rockfish Program. NMFS also is setting aside incidental catch amounts (ICAs) for other directed fisheries in the Central GOA of 2,000 mt of Pacific ocean perch, 200 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches in the Central GOA by other groundfish fisheries.

Allocations among vessels belonging to CV or C/P cooperatives are not included in these final harvest specifications. Rockfish Program applications for CV cooperatives and C/P cooperatives are not due to NMFS until March 1 of each calendar year, therefore, NMFS cannot calculate 2016 and 2017 allocations in conjunction with these final harvest specifications. NMFS will post these allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov/fisheries/central-goa-rockfish-program* when they become available after March 1.

TABLE 10—FINAL 2016 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Rockfish primary species	TAC	Incidental catch allowance	TAC minus ICA	Allocation to the entry level longline[1] fishery	Allocation to the Rockfish Cooperatives[2]
Pacific ocean perch	17,033	1,500	15,533	5	15,528
Northern rockfish	3,547	300	3,247	5	3,242
Dusky rockfish	4,147	250	3,897	30	3,867
Total	24,727	2,050	22,677	40	22,637

[1] Longline gear includes hook-and-line, jig, troll, and handline gear.
[2] Rockfish Cooperatives include vessels in CV and C/P cooperatives.

TABLE 11—FINAL 2017 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Rockfish primary species	TAC	Incidental catch allowance	TAC minus ICA	Allocation to the entry level longline[1] fishery	Allocation to the Rockfish Cooperatives[2]
Pacific ocean perch	16,860	1,500	15,360	5	15,355
Northern rockfish	3,338	300	3,038	5	3,033
Dusky rockfish	3,791	250	3,541	30	3,511
Total	23,989	2,050	21,939	40	21,899

[1] Longline gear includes hook-and-line, jig, troll, and handline gear.
[2] Rockfish Cooperatives include vessels in CV and C/P cooperatives.

Section 679.81(c) requires allocations of rockfish secondary species to CV and C/P cooperatives in the Central GOA. CV cooperatives receive allocations of Pacific cod, sablefish from the trawl gear allocation, and thornyhead rockfish. C/P cooperatives receive allocations of sablefish from the trawl allocation, rougheye rockfish, shortraker rockfish, and thornyhead rockfish. Tables 12 and 13 list the apportionments of the 2016 and 2017 TACs of rockfish secondary species in the Central GOA to CV and C/P cooperatives.

TABLE 12—FINAL 2016 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are rounded to the nearest metric ton]

Rockfish secondary species	Annual Central GOA TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod	36,984	3.81	1,409	0.00	.....
Sablefish	4,023	6.78	273	3.51	141
Shortraker rockfish	301	0.00	.....	40.00	120
Rougheye rockfish	707	0.00	.....	58.87	416
Thornyhead rockfish	988	7.84	77	26.50	262

TABLE 13—FINAL 2017 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATHER/PROCESSOR COOPERATIVES

[Values are rounded to the nearest metric ton]

Rockfish secondary species	Annual Central GOA TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod	31,958	3.81	1,218	0.00	
Sablefish	3,678	6.78	249	3.51	129
Shortraker rockfish	301	0.00		40.00	120
Rougheye rockfish	705	0.00		58.87	415
Thornyhead rockfish	988	7.84	77	26.50	262

Halibut PSC Limits

Section 679.21(d) establishes the annual halibut PSC limit apportionments to trawl and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. Amendment 95 to the FMP (79 FR 9625, February 20, 2014) implemented measures establishing GOA halibut PSC limits in Federal regulations and reducing the halibut PSC limits in the GOA trawl and hook-and-line groundfish fisheries. These reductions are incorporated into the final 2016 and 2017 halibut PSC limits. For most gear and operational types, the halibut PSC limit reductions were phased-in over 3 years, beginning in 2014 and ending in 2016. The final reduction to PSC limits in 2016 will carry forward to 2017 and subsequent years. In December 2015, the Council incorporated these reductions into its recommended final PSC limits of 1,706 mt for trawl gear, 256 mt for hook-and-line gear, and 9 mt for the DSR fishery.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(ii)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish. NMFS estimates low halibut bycatch in the DSR fishery because (1) the duration of the DSR fisheries and the gear soak times are short, (2) the DSR fishery occurs in the winter when less overlap occurs in the distribution of DSR and halibut, and (3) the directed commercial DSR fishery has a low DSR TAC.

The FMP authorizes the Council to exempt specific gear from the halibut PSC limits. NMFS, after consultation with the Council, exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from the non-trawl halibut PSC limit for 2016 and 2017. The Council recommended, and NMFS approves, these exemptions because (1) the pot gear fisheries have low annual halibut bycatch mortality; (2) IFQ program regulations prohibit discard of halibut if any halibut IFQ permit holder on board a catcher vessel holds unused halibut IFQ (§ 679.7(f)(11)); (3) sablefish IFQ fishermen typically hold halibut IFQ permits and are therefore required to retain the halibut they catch while fishing sablefish IFQ; and (4) NMFS estimates negligible halibut mortality for the jig gear fisheries. NMFS estimates that halibut mortality is negligible in the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2015. The calculated halibut bycatch mortality through December 12, 2015, is 1,409 mt for trawl gear and 213 mt for hook-and-line gear for a total halibut mortality of 1,622 mt. This halibut mortality was calculated using groundfish and halibut catch data from the NMFS Alaska Region's catch accounting system. This accounting system contains historical and recent catch information compiled from each Alaska groundfish fishery.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require the Council and NMFS to consider the following information in seasonally apportioning halibut PSC limits: (1) Seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; (4) expected bycatch rates on a seasonal basis; (5) expected changes in directed groundfish fishing seasons; (6) expected actual start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. The Council considered information from the 2015 SAFE report, NMFS catch data, State of Alaska catch data, IPHC stock assessment and mortality data, and public testimony when apportioning the halibut PSC limits. NMFS concurs with the Council's recommendations listed in Table 14, which show the final 2016 and 2017 Pacific halibut PSC limits, allowances, and apportionments.

Sections 679.21(d)(4)(iii) and (iv) specify that any underages or overages of a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the fishing year.

TABLE 14—FINAL 2016 AND 2017 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS

[Values are in metric tons]

Trawl gear			Hook-and-line gear [1]				
			Other than DSR			DSR	
Season	Percent	Amount	Season	Percent	Amount	Season	Amount
January 20–April 1.	27.5	469	January 1–June 10.	86	221	January 1–December 31.	9

TABLE 14—FINAL 2016 AND 2017 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS—Continued

[Values are in metric tons]

Trawl gear			Hook-and-line gear [1]				
			Other than DSR			DSR	
Season	Percent	Amount	Season	Percent	Amount	Season	Amount
April 1–July 1	20	341	June 10–September 1.	2	5		
July 1–September 1.	30	512	September 1–December 31.	12	31		
September 1–October 1.	7.5	128					
October 1–December 31.	15	256					
Total		1,706			257		9

[1] The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery and fisheries other than DSR. The hook-and-line sablefish fishery is exempt from halibut PSC limits, as are pot and jig gear for all groundfish fisheries. Note: Seasonal or sector apportionments may not total precisely due to rounding.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit to trawl fishery categories. The annual apportionments are based on each category's proportional share of the anticipated halibut bycatch mortality during the fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are (1) a deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and ''other species'' (sculpins, sharks, squids, and octopuses) (§ 679.21(d)(3)(iii)). Table 15 lists the final 2016 and 2017 apportionments of halibut PSC trawl limits between the trawl gear deep-water and the shallow-water species fishery categories.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and C/P sectors that are participating in the Central GOA Rockfish Program. This includes 117 mt of halibut PSC limit to the CV sector and 74 mt of halibut PSC limit to the C/P sector. These amounts are allocated from the trawl deep-water species fishery's halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl fisheries to no more than 55 percent of the unused annual halibut PSC apportioned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by vessels directed fishing with trawl gear for the remainder of the fishing year.

TABLE 15—FINAL 2016 AND 2017 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES

[Values are in metric tons]

Season	Shallow-water	Deep-water [1]	Total
January 20–April 1	384	85	469
April 1–July 1	85	256	341
July 1–September 1	171	341	512
September 1–October 1	128	Any remainder	128
Subtotal January 20–October 1	768	682	1,450
October 1–December 31[2]			256
Total			1,706

[1] Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through September 1) deep-water species fishery halibut PSC apportionment.

[2] There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the ''other hook-and-line fishery'' halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and C/Ps in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the ''other hook-and-line fishery'' halibut PSC limit between the hook-and-line CV and C/P sectors were included in the proposed rule to implement Amendment 83 (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the hook-and-line halibut PSC limit is apportioned between the CV and C/P sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass. Pacific cod is apportioned

among these two management areas based on the percentage of overall biomass per area, as calculated in the 2015 Pacific cod stock assessment. Updated information in the final 2015 SAFE report describes this distributional change, which is based on allocating ABC among regulatory areas on the basis of the three most recent stock surveys. The distribution of the total GOA Pacific cod ABC has changed to 41 percent Western GOA, 50 percent Central GOA, and 9 percent Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent change in GOA Pacific cod distribution with respect to establishing the annual halibut PSC limits for the CV and C/P hook-and-line sectors. The annual halibut PSC limits are divided into three seasonal apportionments, using seasonal percentages of 86 percent, 2 percent, and 12 percent.

For 2016 and 2017, NMFS apportions halibut PSC limits of 128 mt and 129 mt to the hook-and-line CV and hook-and-line C/P sectors, respectively. Table 16 lists the final 2016 and 2017 apportionments of halibut PSC limits between the hook-and-line CV and hook-and-line C/P sectors.

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the hook-and-line sectors for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations (§ 679.21(d)(2)(iii)(C)).

TABLE 16—FINAL 2016 AND 2017 APPORTIONMENTS OF THE "OTHER HOOK-AND-LINE FISHERIES" ANNUAL HALIBUT PSC ALLOWANCE BETWEEN THE HOOK-AND-LINE GEAR CATCHER VESSEL AND CATCHER/PROCESSOR SECTORS

[Values are in metric tons]

"Other than DSR" allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257	Catcher Vessel	129	January 1–June 10	86	111
			June 10–September 1	2	3
			September 1–December 31	12	15
	Catcher/Processor	128	January 1–June 10	86	110
			June 10–September 1	2	3
			September 1–December 31	12	15

Estimates of Halibut Biomass and Stock Condition

The IPHC annually assesses the abundance and potential yield of the Pacific halibut using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC's 2015 Pacific halibut stock assessment (December 2015), available on the IPHC Web site at *www.iphc.int.* The IPHC considered the 2015 Pacific halibut stock assessment at its January 2016 annual meeting when it set the 2016 commercial halibut fishery catch limits.

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The DMRs are based on the best information available, including information contained in the annual SAFE report.

NMFS is implementing the halibut DMRs developed and recommended by the International Pacific Halibut Commission (IPHC) and the Council for the 2016 and 2017 GOA groundfish fisheries for use in monitoring the 2016 and 2017 halibut bycatch allowances (see Tables 14, 15 and 16). The IPHC developed these DMRs for the 2016 and 2017 GOA fisheries using the 10-year mean DMRs for those fisheries. Long-term average DMRs were not available for some fisheries, so rates from the most recent years were used. For the skate, sculpin, shark, squid, and octopus target fisheries, where not enough halibut mortality data are available, the mortality rate of halibut caught in the Pacific cod fishery for that gear type was recommended as a default rate. The IPHC and Council staff will analyze observer data annually and recommend changes to the DMRs when a fishery DMR shows large variation from the mean. A discussion of the DMRs and how they are established is available from the Council (see **ADDRESSES**). Table 17 lists the final 2016 and 2017 DMRs.

TABLE 17—FINAL 2016 AND 2017 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA

[Values are percent of halibut assumed to be dead]

Gear	Target fishery	Mortality rate (%)
Hook-and-line	Other fisheries[1]	10
	Pacific cod	10
	Rockfish	10
Trawl	Arrowtooth flounder	76
	Deep-water flatfish	62
	Flathead sole	67
	Non-pelagic pollock	58
	Other fisheries[1]	62
	Pacific cod	62

TABLE 17—FINAL 2016 AND 2017 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA—Continued

[Values are percent of halibut assumed to be dead]

Gear	Target fishery	Mortality rate (%)
	Pelagic pollock	65
	Rex sole	72
	Rockfish	65
	Sablefish	59
	Shallow-water flatfish	66
Pot	Other fisheries[1]	15
	Pacific cod	15

[1] Other fisheries includes all gear types for skates, sculpins, sharks, squids, octopuses, and hook-and-line sablefish.

Chinook Salmon Prohibited Species Catch Limits

Amendment 93 to the GOA FMP (77 FR 42629, July 20, 2012) established separate Chinook salmon PSC limits in the Western and Central GOA in the directed pollock fishery. These limits require NMFS to close the pollock directed fishery in the Western and Central regulatory areas of the GOA if the applicable limit is reached (§ 679.21(h)(6)). The annual Chinook salmon PSC limits in the pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set at § 679.21(h)(2)(i) and (ii). In addition, all salmon (regardless of species) taken in the pollock directed fisheries in the Western and Central GOA must be retained until the manager of a shoreside processor or stationary floating processor has accurately recorded the number of salmon by species in the eLandings groundfish landing report; and if an observer is present at the processing facility that takes delivery of the catch, the observer is provided an opportunity to count the number of salmon and to collect any scientific data or biological samples from the salmon (§ 679.21(h)(4)).

Amendment 97 to the FMP (79 FR 71350, December 2, 2014) established an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish fisheries. This limit is apportioned among three sectors: 3,600 Chinook salmon to trawl C/Ps, 1,200 Chinook salmon to trawl catcher vessels participating in the Central GOA Rockfish Program, and 2,700 Chinook salmon to trawl catcher vessels not participating in the Central GOA Rockfish Program that are fishing for groundfish species other than pollock (§ 679.21(i)(3)). NMFS will monitor the Chinook salmon PSC in the non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl C/Ps and trawl catcher vessels not participating in the Central GOA Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limits its use of Chinook salmon PSC to a specified threshold amount in 2015, that sector will receive an incremental increase to its 2016 Chinook salmon PSC limit (§ 679.21(i)(3)). In 2015, the trawl C/P sector did not exceed 3,120 Chinook salmon PSC; therefore the 2016 trawl C/Ps Chinook salmon PSC limit will be 4,080 Chinook salmon. In 2015, the Non-Rockfish Program catcher vessel sector exceeded 2,340 Chinook salmon PSC; therefore the 2016 Non-Rockfish Program catcher vessel sector limit will be 2,700 Chinook salmon.

American Fisheries Act (AFA) Catcher/Processor and Catcher Vessel Groundfish Harvest and PSC Limits

Section 679.64 establishes groundfish harvesting and processing sideboard limitations on AFA C/Ps and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA C/Ps from harvesting any species of groundfish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA C/Ps from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in Statistical Area 630 of the GOA.

AFA CVs that are less than 125 ft (38.1 meters) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands less than 5,100 mt, and have made at least 40 groundfish landings from 1995 through 1997 are exempt from GOA sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the groundfish sideboard limitations in the GOA based on the retained catch of non-exempt AFA CVs of each sideboard species from 1995 through 1997 divided by the TAC for that species over the same period.

Tables 18 and 19 list the final 2016 and 2017 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in Tables 18 and 19.

TABLE 18—FINAL 2016 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2016 TACs	Final 2016 non-exempt AFA CV sideboard limit
Pollock	A Season, January 20–March 10.	Shumagin (610)	0.6047	3,827	2,314
		Chirikof (620)	0.1167	43,374	5,062
		Kodiak (630)	0.2028	12,456	2,526
	B Season, March 10–May 31	Shumagin (610)	0.6047	3,826	2,313
		Chirikof (620)	0.1167	50,747	5,922
		Kodiak (630)	0.2028	5,083	1,031
	C Season, August 25–October 1.	Shumagin (610)	0.6047	24,421	14,767
		Chirikof (620)	0.1167	15,404	1,798
		Kodiak (630)	0.2028	19,822	4,020
	D Season, October 1–November 1.	Shumagin (610)	0.6047	24,421	14,767
		Chirikof (620)	0.1167	15,402	1,797
		Kodiak (630)	0.2028	19,822	4,020
	Annual	WYK (640)	0.3495	9,348	3,267
		SEO (650)	0.3495	9,920	3,467
Pacific cod	A Season,[1] January 1–June 10.	W	0.1331	17,011	2,264
		C	0.0692	22,190	1,536
	B Season,[2] September 1–December 31.	W	0.1331	11,341	1,509
		C	0.0692	14,794	1,024
	Annual	E inshore	0.0079	5,930	47
		E offshore	0.0078	659	5
Sablefish	Annual, trawl gear	W	0.0000	255	.....
		C	0.0642	805	52
		E	0.0433	190	8
Flatfish, Shallow-water	Annual	W	0.0156	13,250	207
		C	0.0587	19,242	1,130
		E	0.0126	4,271	54
Flatfish, deep-water	Annual	W	0.0000	186	.....
		C	0.0647	3,495	226
		E	0.0128	5,545	71
Rex sole	Annual	W	0.0007	1,315	1
		C	0.0384	4,445	171
		E	0.0029	1,733	5
Arrowtooth flounder	Annual	W	0.0021	14,500	30
		C	0.0280	75,000	2,100
		E	0.0002	13,800	3
Flathead sole	Annual	W	0.0036	8,650	31
		C	0.0213	15,400	328
		E	0.0009	3,782	3
Pacific ocean perch	Annual	W	0.0023	2,737	6
		C	0.0748	17,033	1,274
		E	0.0466	4,667	217
Northern rockfish	Annual	W	0.0003	457	0
		C	0.0277	3,547	98
Shortraker rockfish	Annual	W	0.0000	38	.....
		C	0.0218	301	7
		E	0.0110	947	10
Dusky rockfish	Annual	W	0.0001	173	0
		C	0.0000	4,147	.....
		E	0.0067	366	2
Rougheye rockfish	Annual	W	0.0000	105	.....
		C	0.0237	707	17
		E	0.0124	516	6
Demersal shelf rockfish	Annual	SEO	0.0020	231	0
Thornyhead rockfish	Annual	W	0.0280	291	8
		C	0.0280	988	28
		E	0.0280	682	19
Other rockfish	Annual	C	0.1699	1,534	261
		E	0.0000	774	.....
Atka mackerel	Annual	Gulfwide	0.0309	2,000	62
Big skates	Annual	W	0.0063	908	6

TABLE 18—FINAL 2016 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2016 TACs	Final 2016 non-exempt AFA CV sideboard limit
		C	0.0063	1,850	12
		E	0.0063	1,056	7
Longnose skates	Annual	W	0.0063	61	0
		C	0.0063	2,513	16
		E	0.0063	632	4
Other skates	Annual	Gulfwide	0.0063	1,919	12
Sculpins	Annual	Gulfwide	0.0063	5,591	35
Sharks	Annual	Gulfwide	0.0063	4,514	28
Squids	Annual	Gulfwide	0.0063	1,148	7
Octopuses	Annual	Gulfwide	0.0063	4,878	31

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

TABLE 19—FINAL 2017 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2017 TACs	Final 2017 non-exempt AFA CV sideboard limit
Pollock	A Season, January 20–March 10.	Shumagin (610)	0.6047	3,769	2,279
		Chirikof (620)	0.1167	42,732	4,987
		Kodiak (630)	0.2028	12,272	2,489
	B Season, March 10–May 31	Shumagin (610)	0.6047	3,769	2,279
		Chirikof (620)	0.1167	49,996	5,835
		Kodiak (630)	0.2028	5,007	1,015
	C Season, August 25–October 1.	Shumagin (610)	0.6047	24,060	14,549
		Chirikof (620)	0.1167	15,176	1,771
		Kodiak (630)	0.2028	19,529	3,960
	D Season, October 1–November 1.	Shumagin (610)	0.6047	24,060	14,549
		Chirikof (620)	0.1167	15,175	1,771
		Kodiak (630)	0.2028	19,529	3,960
	Annual	WYK (640)	0.3495	9,209	3,219
		SEO (650)	0.3495	9,920	3,467
Pacific cod	A Season,[1] January 1–June 10.	W	0.1331	14,699	1,956
		C	0.0692	19,175	1,327
	B Season,[2] September 1–December 31.	W	0.1331	9,799	1,304
		C	0.0692	12,783	885
	Annual	E inshore	0.0079	5,124	40
		E offshore	0.0078	569	4
Sablefish	Annual, trawl gear	W	0.0000	233	.....
		C	0.0642	736	47
		E	0.0433	173	8
Flatfish, Shallow-water	Annual	W	0.0156	13,250	207
		C	0.0587	17,680	1,038
		E	0.0126	3,925	49
Flatfish, deep-water	Annual	W	0.0000	187	.....
		C	0.0647	3,516	227
		E	0.0128	5,578	71
Rex sole	Annual	W	0.0007	1,318	1
		C	0.0384	4,453	171
		E	0.0029	1,736	5
Arrowtooth flounder	Annual	W	0.0021	14,500	30
		C	0.0280	75,000	2,100
		E	0.0002	13,800	3
Flathead sole	Annual	W	0.0036	8,650	31

TABLE 19—FINAL 2017 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2017 TACs	Final 2017 non-exempt AFA CV sideboard limit
		C	0.0213	15,400	328
		E	0.0009	3,800	3
Pacific ocean perch	Annual	W	0.0023	2,709	6
		C	0.0748	16,860	1,261
		E	0.0466	4,620	215
Northern rockfish	Annual	W	0.0003	430	0
		C	0.0277	3,338	92
Shortraker rockfish	Annual	W	0.0000	38	.....
		C	0.0218	301	7
		E	0.0110	947	10
Dusky rockfish	Annual	W	0.0001	159	0
		C	0.0000	3,791	.....
		E	0.0067	334	2
Rougheye rockfish	Annual	W	0.0000	105	.....
		C	0.0237	705	17
		E	0.0124	515	6
Demersal shelf rockfish	Annual	SEO	0.0020	231	0
Thornyhead rockfish	Annual	W	0.0280	291	8
		C	0.0280	988	28
		E	0.0280	682	19
Other rockfish	Annual	W/C	0.1699	1,534	261
		E	0.0000	774	.....
Atka mackerel	Annual	Gulfwide	0.0309	2,000	62
Big skates	Annual	W	0.0063	908	6
		C	0.0063	1,850	12
		E	0.0063	1,056	7
Longnose skates	Annual	W	0.0063	61	0
		C	0.0063	2,513	16
		E	0.0063	632	4
Other skates	Annual	Gulfwide	0.0063	1,919	12
Sculpins	Annual	Gulfwide	0.0063	5,591	35
Sharks	Annual	Gulfwide	0.0063	4,514	28
Squids	Annual	Gulfwide	0.0063	1,148	7
Octopuses	Annual	Gulfwide	0.0063	4,878	31

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

Non-Exempt AFA Catcher Vessel Halibut PSC Limits

The halibut PSC sideboard limits for non-exempt AFA CVs in the GOA are based on the aggregate retained groundfish catch by non-exempt AFA CVs in each PSC target category from 1995 through 1997 divided by the retained catch of all vessels in that fishery from 1995 through 1997 (§ 679.64(b)(4)). Table 20 lists the final 2016 and 2017 non-exempt AFA CV halibut PSC limits for vessels using trawl gear in the GOA, respectively. The 2016 and 2017 seasonal apportionments of trawl halibut PSC limits between the deep-water and shallow-water species fisheries categories proportionately incorporate reductions made to the annual trawl halibut PSC limits and associated seasonal apportionments (see Table 14).

TABLE 20—FINAL 2016 AND 2017 NON-EXEMPT AFA CV HALIBUT PROHIBITED SPECIES CATCH (PSC) LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	2016 and 2017 PSC limit	2016 and 2017 non-exempt AFA CV PSC limit
1	January 20–April 1	shallow-water	0.340	384	131
		deep-water	0.070	85	6
2	April 1–July 1	shallow-water	0.340	85	29
		deep-water	0.070	256	18
3	July 1–September 1	shallow-water	0.340	171	58
		deep-water	0.070	341	24

TABLE 20—FINAL 2016 AND 2017 NON-EXEMPT AFA CV HALIBUT PROHIBITED SPECIES CATCH (PSC) LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA—Continued

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	2016 and 2017 PSC limit	2016 and 2017 non-exempt AFA CV PSC limit
4	September 1–October 1	shallow-water	0.340	128	44
		deep-water	0.070	0	0
5	October 1–December 31	all targets	0.205	256	52
Total:				1,706	362

Non-AFA Crab Vessel Groundfish Harvest Limitations

Section 680.22 establishes groundfish catch limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization Program to expand their level of participation in the GOA groundfish fisheries. Sideboard limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to catch made using an LLP license derived from the history of a restricted vessel, even if that LLP license is used on another vessel.

The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), Amendment 34 to the Crab FMP (76 FR 35772, June 20, 2011), Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and Amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015).

Tables 21 and 22 list the final 2016 and 2017 groundfish sideboard limitations for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

TABLE 21—FINAL 2016 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUNDFISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2016 TACs	Final 2016 non-AFA crab vessel sideboard limit
Pollock	A Season, January 20–March 10.	Shumagin (610)	0.0098	3,827	38
		Chirikof (620)	0.0031	43,374	134
		Kodiak (630)	0.0002	12,456	2
	B Season, March 10–May 31	Shumagin (610)	0.0098	3,826	37
		Chirikof (620)	0.0031	50,747	157
		Kodiak (630)	0.0002	5,083	1
	C Season, August 25–October 1.	Shumagin (610)	0.0098	24,421	239
		Chirikof (620)	0.0031	15,404	48
		Kodiak (630)	0.0002	19,822	4
	D Season, October 1–November 1.	Shumagin (610)	0.0098	24,421	239
		Chirikof (620)	0.0031	15,402	48
		Kodiak (630)	0.0002	19,822	4
	Annual	WYK (640)	0.0000	9,348	
		SEO (650)	0.0000	9,920	
Pacific cod	A Season,[1] January 1–June 10.	W Jig	0.0000	17,011	
		W Hook-and-line CV	0.0004	17,011	7
		W Pot CV	0.0997	17,011	1,696
		W Pot C/P	0.0078	17,011	133
		W Trawl CV	0.0007	17,011	12
		C Jig	0.0000	22,190	
		C Hook-and-line CV	0.0001	22,190	2
		C Pot CV	0.0474	22,190	1,052
		C Pot C/P	0.0136	22,190	302
		C Trawl CV	0.0012	22,190	27
	B Season[2]	W Jig	0.0000	11,341	
	Jig Gear: June 10–December 31.	W Hook-and-line CV	0.0004	11,341	5

TABLE 21—FINAL 2016 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUNDFISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2016 TACs	Final 2016 non-AFA crab vessel sideboard limit
	All other gears: September 1–December 31.	W Pot CV	0.0997	11,341	1,131
		W Pot C/P	0.0078	11,341	88
		W Trawl CV	0.0007	11,341	8
		C Jig	0.0000	14,794	.....
		C Hook-and-line CV	0.0001	14,794	1
		C Pot CV	0.0474	14,794	701
		C Pot C/P	0.0136	14,794	201
		C Trawl CV	0.0012	14,794	18
	Annual	E inshore	0.0110	5,930	65
		E offshore	0.0000	659	.....
Sablefish	Annual, trawl gear	W	0.0000	255	.....
		C	0.0000	805	.....
		E	0.0000	190	.....
Flatfish, shallow-water	Annual	W	0.0059	13,250	78
		C	0.0001	19,242	2
		E	0.0000	4,271	.....
Flatfish, deep-water	Annual	W	0.0035	186	1
		C	0.0000	3,495	.....
		E	0.0000	5,545	.....
Rex sole	Annual	W	0.0000	1,315	.....
		C	0.0000	4,445	.....
		E	0.0000	1,733	.....
Arrowtooth flounder	Annual	W	0.0004	14,500	6
		C	0.0001	75,000	8
		E	0.0000	13,800	.....
Flathead sole	Annual	W	0.0002	8,650	2
		C	0.0004	15,400	6
		E	0.0000	3,782	.....
Pacific ocean perch	Annual	W	0.0000	2,737	.....
		C	0.0000	17,033	.....
		E	0.0000	4,667	.....
Northern rockfish	Annual	W	0.0005	457	0
		C	0.0000	3,547	.....
Shortraker rockfish	Annual	W	0.0013	38	0
		C	0.0012	301	0
		E	0.0009	947	1
Dusky rockfish	Annual	W	0.0017	173	0
		C	0.0000	4,147	.....
		E	0.0000	366	.....
Rougheye rockfish	Annual	W	0.0067	105	1
		C	0.0047	707	3
		E	0.0008	516	0
Demersal shelf rockfish	Annual	SEO	0.0000	231	.....
Thornyhead rockfish	Annual	W	0.0047	291	1
		C	0.0066	988	7
		E	0.0045	682	3
Other rockfish	Annual	W/C	0.0033	1,534	5
		E	0.0000	774	.....
Atka mackerel	Annual	Gulfwide	0.0000	2,000	.....
Big skate	Annual	W	0.0392	908	36
		C	0.0159	1,850	29
		E	0.0000	1,056	.....
Longnose skate	Annual	W	0.0392	61	2
		C	0.0159	2,513	40
		E	0.0000	632	.....
Other skates	Annual	Gulfwide	0.0176	1,919	34
Sculpins	Annual	Gulfwide	0.0176	5,591	98
Sharks	Annual	Gulfwide	0.0176	4,514	79
Squids	Annual	Gulfwide	0.0176	1,148	20
Octopuses	Annual	Gulfwide	0.0176	4,878	86

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

TABLE 22—FINAL 2017 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUNDFISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2017 TACs	Final 2017 non-AFA crab vessel sideboard limit
Pollock	A Season, January 20–March 10.	Shumagin (610)	0.0098	3,769	37
		Chirikof (620)	0.0031	42,732	132
		Kodiak (630)	0.0002	12,272	2
	B Season, March 10–May 31	Shumagin (610)	0.0098	3,769	37
		Chirikof (620)	0.0031	49,996	155
		Kodiak (630)	0.0002	5,007	1
	C Season, August 25–October 1.	Shumagin (610)	0.0098	24,060	236
		Chirikof (620)	0.0031	15,176	47
		Kodiak (630)	0.0002	19,529	4
	D Season, October 1–November 1.	Shumagin (610)	0.0098	24,060	236
		Chirikof (620)	0.0031	15,175	47
		Kodiak (630)	0.0002	19,529	4
	Annual	WYK (640)	0.0000	9,209	
		SEO (650)	0.0000	9,920	
Pacific cod	A Season [1]	W Jig	0.0000	14,699	
	January 1–June 10	W Hook-and-line CV	0.0004	14,699	6
		W Pot CV	0.0997	14,699	1,466
		W Pot C/P	0.0078	14,699	115
		W Trawl CV	0.0007	14,699	10
		C Jig	0.0000	19,175	
		C Hook-and-line CV	0.0001	19,175	2
		C Pot CV	0.0474	19,175	909
		C Pot C/P	0.0136	19,175	261
		C Trawl CV	0.0012	19,175	23
	B Season [2]	W Jig	0.0000	9,799	
	Jig Gear: June 10–December 31.	W Hook-and-line CV	0.0004	9,799	4
	All other gears:	W Pot CV	0.0997	9,799	977
	September 1–December 31	W Pot C/P	0.0078	9,799	76
		W Trawl CV	0.0007	9,799	7
		C Jig	0.0000	12,783	
		C Hook-and-line CV	0.0001	12,783	1
		C Pot CV	0.0474	12,783	606
		C Pot C/P	0.0136	12,783	174
		C Trawl CV	0.0012	12,783	15
	Annual	E inshore	0.0110	5,125	56
		E offshore	0.0000	569	
Sablefish	Annual, trawl gear	W	0.0000	233	
		C	0.0000	736	
		E	0.0000	173	
Flatfish, shallow-water	Annual	W	0.0059	13,250	78
		C	0.0001	17,680	2
		E	0.0000	3,925	
Flatfish, deep-water	Annual	W	0.0035	187	1
		C	0.0000	3,516	
		E	0.0000	5,578	
Rex sole	Annual	W	0.0000	1,318	-
		C	0.0000	4,453	
		E	0.0000	1,736	
Arrowtooth flounder	Annual	W	0.0004	14,500	
		C	0.0001	75,000	
		E	0.0000	13,800	
Flathead sole	Annual	W	0.0002	8,650	2
		C	0.0004	15,400	6
		E	0.0000	3,800	
Pacific ocean perch	Annual	W	0.0000	2,709	
		C	0.0000	16,860	
		E	0.0000	4,620	
Northern rockfish	Annual	W	0.0005	430	0
		C	0.0000	3,338	
Shortraker rockfish	Annual	W	0.0013	38	0
		C	0.0012	301	0
		E	0.0009	947	1
Dusky rockfish	Annual	W	0.0017	159	0
		C	0.0000	3,791	
		E	0.0000	334	

TABLE 22—FINAL 2017 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUNDFISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2017 TACs	Final 2017 non-AFA crab vessel sideboard limit
Rougheye rockfish	Annual	W	0.0067	105	1
		C	0.0047	705	3
		E	0.0008	515	0
Demersal shelf rockfish	Annual	SEO	0.0000	231	.....
Thornyhead rockfish	Annual	W	0.0047	291	1
		C	0.0066	988	7
		E	0.0045	682	3
Other rockfish	Annual	W/C	0.0033	1,534	5
		E	0.0000	774	
Atka mackerel	Annual	Gulfwide	0.0000	2,000	.....
Big skate	Annual	W	0.0392	908	36
		C	0.0159	1,850	29
		E	0.0000	1,056	
Longnose	Annual	W	0.0392	61	2
skate		C	0.0159	2,513	40
		E	0.0000	632	
Other skates	Annual	Gulfwide	0.0176	1,919	34
Sculpins	Annual	Gulfwide	0.0176	5,591	98
Sharks	Annual	Gulfwide	0.0176	4,514	79
Squids	Annual	Gulfwide	0.0176	1,148	20
Octopuses	Annual	Gulfwide	0.0176	4,878	86

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

Rockfish Program Groundfish Sideboard and Halibut PSC Limitations

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, C/P rockfish sideboard restrictions, and C/P opt-out vessel sideboard restrictions. These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the West Yakutat district and Western GOA from July 1 through July 31. Also, CVs may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)).

C/Ps participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These C/Ps are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the West Yakutat district and Western GOA from July 1 through July 31. Holders of C/P-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that portion of each sideboard limit that is not assigned to rockfish cooperatives. Tables 23 and 24 list the final 2016 and 2017 Rockfish Program C/P sideboard limits in the West Yakutat district and the Western GOA. Due to confidentiality requirements associated with fisheries data, the sideboard limits for the West Yakutat district are not displayed.

TABLE 23—FINAL 2016 ROCKFISH PROGRAM HARVEST LIMITS FOR THE CATCHER/PROCESSOR SECTOR IN THE WEST YAKUTAT DISTRICT AND WESTERN GOA

[Values are rounded to the nearest metric ton]

Area	Fishery	C/P sector (% of TAC)	Final 2016 TACs	Final 2016 C/P limit
West Yakutat District	Dusky rockfish	Confidential [1]	275	Confidential.[1]
	Pacific ocean perch	Confidential [1]	2,847	Confidential.[1]
Western GOA	Dusky rockfish	72.3	173	125.
	Pacific ocean perch	50.6	2,737	1,385.
	Northern rockfish	74.3	457	340.

[1] Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

TABLE 24—FINAL 2017 ROCKFISH PROGRAM HARVEST LIMITS FOR THE CATCHER/PROCESSOR SECTOR IN THE WEST YAKUTAT DISTRICT AND WESTERN GOA

[Values are rounded to the nearest metric ton]

Area	Fishery	C/P sector (% of TAC)	Final 2017 TACs	Final 2017 C/P limit
West Yakutat District	Dusky rockfish	Confidential [1]	251	Confidential.[1]
	Pacific ocean perch	Confidential [1]	2,818	Confidential.[1]
Western GOA	Dusky rockfish	72.3	159	115.
	Pacific ocean perch	50.6	2,709	1,371.
	Northern rockfish	74.3	430	319.

[1] Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

Under the Rockfish Program, the C/P sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31. No halibut PSC sideboard limits apply to the CV sector, as vessels participating in cooperatives receive a portion of the annual halibut PSC limit. C/Ps that opt out of the Rockfish Program would be able to access that portion of the deep-water and shallow-water halibut PSC sideboard limit not assigned to C/P rockfish cooperatives. The sideboard provisions for C/Ps that elect to opt out of participating in a rockfish cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels that may choose to opt out. After March 1, NMFS will determine which C/Ps have opted-out of the Rockfish Program in 2016, and will know the ratios and amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboards and post these allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov/fisheries/central-goa-rockfish-program*. Table 25 lists the 2016 and 2017 Rockfish Program halibut PSC limits for the C/P sector. These halibut PSC limits proportionately incorporate reductions made to the annual trawl halibut PSC limits and associated season apportionments (see Table 14).

TABLE 25—FINAL 2016 AND 2017 ROCKFISH PROGRAM HALIBUT MORTALITY LIMITS FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	2016 and 2017 halibut mortality limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor	0.10	2.50	1,706	2	43

Amendment 80 Program Groundfish and PSC Sideboard Limits

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl C/P sector. The Amendment 80 Program established groundfish and halibut PSC catch limits for Amendment 80 Program participants to limit the ability of participants eligible for the Amendment 80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 program vessels, other than the F/V *Golden Fleece,* to amounts no greater than the limits listed in Table 37 to 50 CFR part 679. Under § 679.92(d), the F/V *Golden Fleece* is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA.

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004. Tables 26 and 27 list the final 2016 and 2017 sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in Tables 26 and 27.

TABLE 26—FINAL 2016 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2016 TAC (mt)	2016 Amendment 80 vessel sideboards (mt)
Pollock	A Season, January 20–February 25.	Shumagin (610)	0.003	3,827	11
		Chirikof (620)	0.002	43,374	87
		Kodiak (630)	0.002	12,456	25

TABLE 26—FINAL 2016 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS—Continued

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2016 TAC (mt)	2016 Amendment 80 vessel sideboards (mt)
	B Season, March 10–May 31	Shumagin (610)	0.003	3,826	11
		Chirikof (620)	0.002	50,747	101
		Kodiak (630)	0.002	5,083	10
	C Season, August 25–September 15.	Shumagin (610)	0.003	24,421	73
		Chirikof (620)	0.002	15,404	31
		Kodiak (630)	0.002	19,822	40
	D Season, October 1–November 1.	Shumagin (610)	0.003	24,421	73
		Chirikof (620)	0.002	15,402	31
		Kodiak (630)	0.002	19,822	40
	Annual	WYK (640)	0.002	9,348	19
Pacific cod	A Season,[1] January 1–June 10.	W	0.020	17,011	340
		C	0.044	22,190	976
	B Season,[2] September 1–December 31.	W	0.020	11,341	227
		C	0.044	14,794	651
	Annual	WYK	0.034	6,589	224
Pacific ocean perch	Annual	W	0.994	2,737	2,721
		WYK	0.961	2,847	2,736
Northern rockfish	Annual	W	1.000	457	457
Dusky rockfish	Annual	W	0.764	173	132
		WYK	0.896	275	246

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

TABLE 27—FINAL 2017 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2017 TAC (mt)	2017 Amendment 80 vessel sideboards (mt)
Pollock	A Season, January 20–February 25.	Shumagin (610)	0.003	3,769	11
		Chirikof (620)	0.002	42,732	85
		Kodiak (630)	0.002	12,272	25
	B Season, March 10–May 31	Shumagin (610)	0.003	3,769	11
		Chirikof (620)	0.002	49,996	100
		Kodiak (630)	0.002	5,007	10
	C Season, August 25–September 15.	Shumagin (610)	0.003	24,060	72
		Chirikof (620)	0.002	15,176	30
		Kodiak (630)	0.002	19,529	39
	D Season, October 1–November 1.	Shumagin (610)	0.003	24,060	72
		Chirikof (620)	0.002	15,175	30
		Kodiak (630)	0.002	19,529	39
	Annual	WYK (640)	0.002	9,209	18
Pacific cod	A Season,[1] January 1–June 10.	W	0.020	14,699	294
		C	0.044	19,175	844
	B Season,[2] September 1–December 31.	W	0.020	9,799	196
		C	0.044	12,783	562
	Annual	WYK	0.034	5,694	194
Pacific ocean perch	Annual	W	0.994	2,709	2,693
		WYK	0.961	2,818	2,708
Northern rockfish	Annual	W	1.000	430	430
Dusky rockfish	Annual	W	0.764	159	121

TABLE 27—FINAL 2017 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS—Continued

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2017 TAC (mt)	2017 Amendment 80 vessel sideboards (mt)
		WYK	0.896	251	225

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

The PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historic use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historic use to accommodate two factors: allocation of halibut PSC cooperative quota under the Central GOA Rockfish Program and the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 28 lists the final 2016 and 2017 halibut PSC limits for Amendment 80 Program vessels. These tables incorporate the maximum percentages of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. These halibut PSC limits proportionately incorporate the reductions made to the annual trawl halibut PSC limits and associated seasonal apportionments (see Table 14). Additionally, residual amounts of a seasonal Amendment 80 sideboard halibut PSC limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 28—FINAL 2016 AND 2017 HALIBUT PSC LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Historic Amendment 80 use of the annual halibut PSC limit catch (ratio)	2016 and 2017 annual PSC limit (mt)	2016 and 2017 Amendment 80 vessel PSC limit
1	January 20–April 1	shallow-water	0.0048	1,706	8
		deep-water	0.0115	1,706	20
2	April 1–July 1	shallow-water	0.0189	1,706	32
		deep-water	0.1072	1,706	183
3	July 1–September 1	shallow-water	0.0146	1,706	25
		deep-water	0.0521	1,706	89
4	September 1–October 1	shallow-water	0.0074	1,706	13
		deep-water	0.0014	1,706	2
5	October 1–December 31	shallow-water	0.0227	1,706	39
		deep-water	0.0371	1,706	63
Total					474

Directed Fishing Closures

Pursuant to § 679.20(d)(1)(i), if the Regional Administrator determines (1) that any allocation or apportionment of a target species or species group allocated or apportioned to a fishery will be reached; or (2) with respect to pollock and Pacific cod, that an allocation or apportionment to an inshore or offshore component or sector allocation will be reached, the Regional Administrator may establish a directed fishing allowance (DFA) for that species or species group. If the Regional Administrator establishes a DFA and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified GOA regulatory area or district (§ 679.20(d)(1)(iii)).

The Regional Administrator has determined that the TACs for the species listed in Table 29 are necessary to account for the incidental catch of these species in other anticipated groundfish fisheries for the 2016 and 2017 fishing years.

TABLE 29—2016 AND 2017 DIRECTED FISHING CLOSURES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in metric tons]

Target	Area/component/gear	Incidental catch amount and year (if amounts differ by year)
Pollock	all/offshore	not applicable.[1]
Sablefish[2]	all/trawl	1,250 (2016), 1,142 (2017).

TABLE 29—2016 AND 2017 DIRECTED FISHING CLOSURES IN THE GOA—Continued

[Amounts for incidental catch in other directed fisheries are in metric tons]

Target	Area/component/gear	Incidental catch amount and year (if amounts differ by year)
Pacific cod	Western, catcher/processor, trawl	657 (2016), 567 (2017).
	Central, catcher/processor, trawl	1,537 (2016), 1,328 (2017).
Shortraker rockfish [2]	all	1,286.
Rougheye rockfish [2]	all	1,328 (2016).
		1,325 (2017).
Thornyhead rockfish [2]	all	1,961.
Other rockfish	all	2,308.
Atka mackerel	all	2,000.
Big skate	all	3,814.
Longnose skate	all	3,206.
Other skates	all	1,919.
Sharks	all	4,514.
Squids	all	1,148.
Octopuses	all	4,878.

[1] Pollock is closed to directed fishing in the GOA by the offshore component under § 679.20(a)(6)(i).
[2] Closures not applicable to participants in cooperatives conducted under the Central GOA Rockfish Program.

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species or species groups listed in Table 29 as zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for those species, areas, gear types, and components in the GOA listed in Table 29. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2017.

Section 679.64(b)(5) provides for management of AFA CV groundfish harvest limits and PSC bycatch limits using directed fishing closures and PSC closures according to procedures set out at §§ 679.20(d)(1)(iv), 679.21(d)(6), and 679.21(e)(3)(v). The Regional Administrator has determined that, in addition to the closures listed above, many of the non-exempt AFA CV sideboard limits listed in Tables 18 and 19 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2016 and 2017 fishing years. In accordance with § 679.20(d)(1)(iv), the Regional Administrator sets the DFAs for the species and species groups in Table 30 at zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by non-exempt AFA CVs in the GOA for the species and specified areas listed in Table 30. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2017.

TABLE 30—2016 AND 2017 NON-EXEMPT AFA CV SIDEBOARD DIRECTED FISHING CLOSURES FOR ALL GEAR TYPES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in metric tons]

Species	Regulatory area/district	Incidental catch amount
Pacific cod	Eastern	47 (inshore) and 5 (offshore) [2016].
		40 (inshore) and 4 (offshore) [2017].
Shallow-water flatfish	Eastern	54 in 2016, 49 in 2017.
Deep-water flatfish	Western	0.
Rex sole	Eastern and Western	5 and 1.
Arrowtooth flounder	Eastern and Western	3 and 30.
Flathead sole	Eastern and Western	3 and 31.
Pacific ocean perch	Western	6.
Northern rockfish	Western	0.
Dusky rockfish	Entire GOA	2.
Demersal shelf rockfish	SEO District	0.
Sculpins	Entire GOA	35.
Squids	Entire GOA	7.

Section 680.22 provides for the management of non-AFA crab vessel sideboards using directed fishing closures in accordance with § 680.22(e)(2) and (3). The Regional Administrator has determined that the non-AFA crab vessel sideboards listed in Tables 21 and 22 are insufficient to support a directed fishery and has set the sideboard DFA at zero mt, with the exception of Pacific cod pot CV sector apportionments in the Western and Central Regulatory Areas. Therefore, NMFS is prohibiting directed fishing by non-AFA crab vessels in the GOA for all species and species groups listed in Tables 21 and 22, with the exception of the Pacific cod pot CV sector apportionments in the Western and Central Regulatory Areas.

Closures implemented under the 2015 and 2016 GOA harvest specifications for groundfish (80 FR 10250, February 25, 2015) remain effective under authority of these final 2016 and 2017 harvest specifications, and are posted at the following Web site: *http://alaskafisheries.noaa.gov/infobulletins/search.* While these closures are in effect, the maximum retainable amounts

at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679. NMFS may implement other closures during the 2016 and 2017 fishing years as necessary for effective conservation and management.

Comments and Responses

NMFS received two comment letters containing five substantive comments during the public comment period on the proposed 2016 and 2017 harvest specifications for groundfish of the GOA. No changes were made to this final rule in response to the comment letters received. These comments are summarized and responded to below.

Comment 1: Each commenter expressed general support for the GOA harvest specifications.

Response: NMFS acknowledges these comments.

Comment 2: The removal of catch limits, such as the Pacific cod sideboard limits established for hook-and-line C/Ps, should not be implemented as described in the proposed GOA harvest specifications.

Response: As described in the preamble of this notice and in the proposed 2016 and 2017 harvest specifications for the GOA (80 FR 76405, December 9, 2015), NMFS previously published a final rule implementing regulations associated with Amendment 45 to the FMP for Bering Sea/Aleutian Islands King and Tanner Crabs (Amendment 45) (80 FR 28539, May 19, 2015). Regulations implemented through Amendment 45 directly affect the harvest specifications process for establishing sideboard limits for a specific industry sector. Amendment 45 requires that NMFS permanently remove Pacific cod sideboard limits applicable to specified hook-and-line catcher/processors (C/P) in the Western and Central GOA regulatory areas once it receives an affidavit affirming that all eligible participants in these regulatory areas recommend removal of the sideboard limits. NMFS received an affidavit that all eligible fishery participants in the Western and Central GOA recommend removal of these sideboard limits. By removing the Pacific cod sideboard limits for the hook-and-line C/P sector from Tables 21 and 22 of this rule, NMFS incorporates the regulatory changes made under Amendment 45 into this final rule.

Comment 3: Hook-and-line gear has hazardous effects on local species and ecosystems. For example, if fishing line is lost or improperly discarded in the ocean, it will likely be consumed by a wide variety of animals such as birds, marine mammals, and fish. Because Laysan albatross dive for their prey, increased fishing in hook-and-line fishery may increase the mortality of this species from entanglements.

Response: Hook-and-line gear is a legal gear type in the Gulf of Alaska for Pacific cod and a variety of other species. Hook-and-line gear is authorized under both the FMP (available at *http://www.npfmc.org/wp-content/PDFdocuments/fmp/GOA/GOAfmp.pdf*) and regulations at 50 CFR part 679. NMFS monitors the catch of all federally-managed groundfish species in the GOA, by gear type, as part of its fisheries monitoring and catch accounting procedures. This catch information is incorporated into the annual SAFE reports prepared to assess the biomass and population trends for groundfish species (see **ADDRESSES**). The annual SAFE report includes an ''Ecosystem Considerations'' chapter that describes and discusses the latest trends associated with physical, environmental, ecosystem, and fisheries components of the GOA. The Plan Team, SSC, and Council use this information during the annual harvest specifications as it considers current and future environmental trends that may affect the TAC limits.

NMFS regularly monitors the effects of hook-and-line fisheries and other commercial fisheries on marine mammal stocks. For example, the Marine Mammal Protection Act (MMPA) requires NMFS to review marine mammal stock assessment reports annually for stocks designated as strategic, annually for stocks where there are significant new information available, and at least once every 3 years for all other stocks. Each marine mammal stock assessment includes, when available, estimates of annual human-caused mortality and serious injury from interactions with commercial fisheries and subsistence hunters. These data are used to evaluate the progress of each fishery towards achieving the MMPA's goal of zero fishery-related mortality and serious injury of marine mammals. The most recent (2014) Alaska Marine Mammal stock assessment was released in August 2015 and can be downloaded at *http://www.nmfs.noaa.gov/pr/sars/region.htm.* In addition, further information on the effects of commercial fisheries can be found in section 5.3.10 of the SIR.

The Alaska Region has been actively addressing seabird incidental take in hook-and-line fisheries off Alaska since 1989. The seabird-related responsibilities and activities include: Consultations under the Endangered Species Act, data collection by fishery observers, public and industry outreach and education, research, regulatory action to employ multiple seabird avoidance measures, and participation in the development of actions to reduce the incidental take of seabirds in Alaska fisheries. NMFS has implemented and revised seabird avoidance measures to mitigate interactions between the federal hook-and-line fisheries and seabirds (see 62 FR 23176, April 29, 1997; 63 FR 1930, January 13, 2004; 72 FR 71610, December 18, 2007; 74 FR 13355, March 27, 2009). Currently, operators of vessels longer than 26 ft LOA using hook-and-line gear are required to comply with regulatory seabird avoidance measures (see 50 CFR 679.24(e)(2). Section 5.3.9 of the SIR notes, 2013 seabird estimated bycatch numbers for the combined groundfish fisheries are the lowest since NMFS began estimating bycatch in 1993 (see also *http://www.afsc.noaa.gov/REFM/REEM/Seabirds/Seabird%20bycatch%202007%20to%202013_Alaskan%20Gndfish_Dec2014.pdf*).

Comment 4: Hook-and-line fishing will have an effect on average sizes of certain species of fish. For example, hook-and-line gear tends to catch older, larger Pacific cod because smaller fish are unable to be hooked. This leads to a shift in the Pacific cod population dynamic. Smaller fish will prey on smaller organisms such as zooplankton, putting increased pressure on the foundation of the foodweb. Therefore, NMFS should revise the harvest specifications to limit the use of hook-and-line gear.

Response: Pacific cod is a stock fished by multiple gear types. Amendment 83 to the FMP (76 FR 74670, December 1, 2011) implemented regulations on the amounts of the Western and Central GOA Pacific cod TACs allocated to the hook-and-line sectors. Changing the amount of these regulatory allocations for hook-and-line gear is outside the scope of these final 2016 and 2017 harvest specification for the GOA. The Environmental Assessment for Amendment 83 determined that Amendment 83 would not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts (*https://alaskafisheries.noaa.gov/sites/default/files/analyses/earirfrfa0911.pdf*).

The primary categories of information considered in the stock assessment are catch, abundance, and biology. The catch data includes the gear type and length, the abundance data (biomass

and numbers of fish) from surveys includes length and age, and the biological data includes information on fish size, age, reproductive rates, and movement. The effects of using hook-and-line gear is incorporated in the stock assessment and informs NMFS on changes in Pacific cod population dynamics. Also, an evaluation of the effects of the GOA Pacific cod fisheries on the ecosystem is conducted annually in the Ecosystem Considerations chapter and in the groundfish SAFE. The Ecosystems Consideration chapter includes detailed information and updates on the status and trends of ecosystem components, like zooplankton, as well as either early signals of direct human effects on ecosystem components that might warrant management intervention or evidence of the efficacy of previous management actions. Based on the Ecosystem Considerations chapter in the 2015 SAFE report, NMFS concludes that the current GOA Pacific cod fishery does not produce population-level impacts to marine species or change ecosystem-level attributes beyond the range of natural variation.

Comment 5: Trawl fishing should not be allowed in the GOA because of negative environmental consequences such as disturbing non-target species and increased sedimentation in the ocean. Therefore, NMFS should revise the harvest specifications to limit the use of trawl fishing gear.

Response: Trawl gear is a legal gear type in the Gulf of Alaska for a variety of groundfish species. Similar to hook-and-line gear, pelagic and non-pelagic trawl gear are authorized under both the FMP and regulations at 50 CFR part 679.

The Council and NMFS have taken a variety of measures to control the use of trawl gear and the impacts of trawl gear on non-target species and marine habitat. In a recent example, NMFS established a no-trawl protection area in Marmot Bay, northeast of Kodiak Island and required the use of modified nonpelagic trawl gear when fishing for flatfish in the Central Regulatory Area of the GOA (79 FR 2794), January 16, 2014). The Council conducts a complete review of Essential Fish Habitat once every 5 years, and regularly solicits proposals on Habitat Areas of Particular Concern and/or conservation and enhancement measures to minimize potential adverse effects from fishing. More broadly, the Council and NMFS have incorporated habitat provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act into the FMP (available at *http://www.npfmc.org,* see Section 4.2).

Classification

NMFS has determined that these final harvest specifications are consistent with the FMP and with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Orders 12866 and 13563.

NMFS prepared an EIS for this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the EIS. In January 2015, NMFS prepared a Supplemental Information Report (SIR) for this action. Copies of the EIS, ROD, and SIR for this action are available from NMFS (see **ADDRESSES**). The EIS analyzes the environmental consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. The EIS found no significant environmental consequences of this action and its alternatives. The preferred alternative is a harvest strategy in which TACs are set at a level that falls within the range of ABCs recommended by the Council's SSC; the sum of the TACs must achieve the OY specified in the FMP. The SIR evaluates the need to prepare a Supplemental EIS (SEIS) for the 2016 and 2017 groundfish harvest specifications.

An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2016 and 2017 harvest specifications, which were set according to the preferred harvest strategy in the EIS, do not constitute a substantial change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2016 and 2017 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental National Environmental Policy Act documentation is not necessary to implement the 2016 and 2017 harvest specifications.

Section 604 of the Regulatory Flexibility Act requires that, when an agency promulgates a final rule under section 553 of Title 5 of the United States Code, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis (FRFA).

Section 604 describes the required contents of a FRFA: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are contained at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 9, 2015 (80 FR 76405). NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany this action, and included a summary in the proposed rule. The comment period closed on January 8, 2016. No comments were received on the IRFA or the economic impacts of the rule more generally.

The entities directly regulated by this action include (1) entities operating vessels with groundfish FFPs catching FMP groundfish in Federal waters; (2) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the state-waters parallel fisheries; and (3) all

entities operating vessels fishing for halibut inside three miles of the shore (whether or not they have FFPs).

The Small Business Administration has established size standards for all major industry sectors in the United States. A business primarily involved in finfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual gross receipts not in excess of $20.5 million, for all its affiliated operations worldwide. Fishing vessels are considered small entities if their total annual gross receipts, from all their activities combined, are less than $20.5 million. The IRFA estimates the number of harvesting vessels that are considered small entities, but these estimates may overstate the number of small entities because (1) some vessels may also be active as tender vessels in the salmon fishery, fish in areas other than Alaska and the West Coast, or generate revenue from other non-fishing sources; and (2) all affiliations are not taken into account, especially if the vessel has affiliations not tracked in available data (*i.e.,* ownership of multiple vessel or affiliation with processors) and may be misclassified as a small entity.

Based on data from 2014 fishing activity, there were 915 individual catcher vessel entities with gross revenues meeting small entity criteria. Of these entities, 853 used hook-and-line gear, 97 used pot gear, and 34 used trawl gear (some of these entities used more than one gear type, thus the counts of entities using the different gear types do not sum to the total number of entities above). Four individual catcher/processors met the small entity criterion; three used hook-and-line gear, and one used trawl gear. Catcher/processor gross revenues were not reported for confidentiality reasons, however hook-and-line small entities had average gross revenues of $400,000, small pot entities had average gross revenues of $740,000, and small trawl entities had average gross revenues of $2.5 million.

Some of these vessels are members of AFA inshore pollock cooperatives, of GOA rockfish cooperatives, or of Bering Sea and Aleutian Islands crab rationalization cooperatives and, therefore, under the Regulatory Flexibility Act (RFA) it is the aggregate gross receipts of all participating members of the cooperative that must meet the threshold. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA. These relationships are accounted for, along with corporate affiliations among vessels, to the extent that they are known, in the estimated number of small entities. If affiliations exist of which NMFS is unaware, or if entities had non-fishing revenue sources, the estimates above may overstate the number of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements.

NMFS considered other, alternative harvest strategies when choosing the preferred harvest strategy (Alternative 2) in December 2006. These included the following:

- Alternative 1: Set TACs to produce fishing mortality rates, F, that are equal to maxFABC, unless the sum of the TACs is constrained by the OY established in the FMPs. This is equivalent to setting TACs to produce harvest levels equal to the maximum permissible ABCs, as constrained by OY. The term ''maxFABC'' refers to the maximum permissible value of FABC under Amendment 56 to the groundfish FMPs. Historically, the TAC has been set at or below the ABC, therefore, this alternative represents a likely upper limit for setting the TAC within the OY and ABC limits.
- Alternative 3: For species in Tiers 1, 2, and 3, set TAC to produce F equal to the most recent 5-year average actual F. For species in Tiers 4, 5, and 6, set TAC equal to the most recent 5-year average actual catch. For stocks with a high level of scientific information, TACs would be set to produce harvest levels equal to the most recent 5-year average actual fishing mortality rates. For stocks with insufficient scientific information, TACs would be set equal to the most recent 5-year average actual catch. This alternative recognizes that for some stocks, catches may fall well below ABCs, and recent average F may provide a better indicator of actual F than FABC does.
- Alternative 4: (1) Set TACs for rockfish species in Tier 3 at F75%. Set TACs for rockfish species in Tier 5 at F=0.5M. Set spatially explicit TACs for shortraker and rougheye rockfish in the GOA. (2) Taking the rockfish TACs as calculated above, reduce all other TACs by a proportion that does not vary across species, so that the sum of all TACs, including rockfish TACs, is equal to the lower bound of the area OY (116,000 mt in the GOA). This alternative sets conservative and spatially explicit TACs for rockfish species that are long-lived and late to mature and sets conservative TACs for the other groundfish species.
- Alternative 5: (No Action) Set TACs at zero.

These four alternatives do not meet the objectives of this action although they have a smaller adverse economic impact on small entities than the preferred alternative. The Council rejected these alternatives as harvest strategies in 2006, and the Secretary did so in 2007.

Alternative 1 selected harvest rates that will allow fishermen to harvest stocks at the level of ABCs, unless total harvests are constrained by the upper bound of the GOA OY of 800,000 metric tons. The sums of ABCs in 2016 and 2017 are 727,684 mt and 708,629 mt, respectively. The sums of the TACs in 2016 and 2017 are 590,809 mt and 573,872 mt, respectively. Thus, although the sum of ABCs in each year is less than 800,000 metric tons, the sums of the TACs in each year are less than the sums of the ABCs.

In most cases, the Council has set TACs equal to ABCs. The divergence between aggregate TACs and aggregate ABCs reflects a variety of special species- and fishery-specific circumstances:

- Pacific cod TACs are set equal to 70 percent in the Western GOA and 75 percent in the Central GOA of the Pacific cod ABCs in each year to account for the guideline harvest levels (GHL) set by the State of Alaska for its GHL Pacific cod fisheries (30 and 25 percent, respectively, of the Western and Central GOA ABCs). Thus, the difference between the Federal TACs and ABCs does not actually reflect a Pacific cod harvest below the Pacific cod ABC, as the balance is available for the State's cod GHL fisheries.
- Shallow-water flatfish and flathead sole TACs are set below ABCs in the Western and Central GOA regulatory areas. Arrowtooth flounder TACs are set below ABC in all GOA regulatory areas. Catches of these flatfish species rarely, if ever, approach the proposed ABCs or TACs. Important trawl fisheries in the GOA take halibut PSC, and are constrained by limits on the allowable halibut PSC mortality. These limits may force the closure of trawl fisheries before they have harvested the available groundfish ABC. Thus, actual harvests of groundfish in the GOA routinely fall short of some ABCs and TACs. Markets can also constrain harvests below the TACs, as has been the case with arrowtooth flounder, in the past. These TACs are set to allow for increased harvest opportunities for these targets while conserving the halibut PSC limit for use in other, more fully utilized, fisheries.

• The other rockfish TAC is set below the ABC in the Southeast Outside district based on several factors. In addition to conservation concerns for the rockfish species in this group, there is a regulatory prohibition against using trawl gear east of 140° W. longitude. Because most species of other rockfish are caught exclusively with trawl gear, the catch of such species with other gear types, such as hook-and-line, is low. The commercial catch of other rockfish in the Eastern regulatory area, which includes the West Yakutat and Southeast Outside districts, has ranged from approximately 70 mt to 248 mt per year over the last decade.

• The GOA-wide Atka mackerel TAC is set below the ABC. The estimates of survey biomass continue to be unreliable in the GOA. Therefore, the Council recommended and NMFS agrees that the Atka mackerel TAC in the GOA be set at an amount to support incidental catch in other directed fisheries.

Alternative 3 selects harvest rates based on the most recent 5 years of harvest rates (for species in Tiers 1 through 3) or for the most recent 5 years of harvests (for species in Tiers 4 through 6). This alternative is inconsistent with the objectives of this action, because it does not take account of the most recent biological information for this fishery.

Alternative 4 would lead to significantly lower harvests of all species to reduce TACs from the upper end of the OY range in the GOA to its lower end of 116,000 mt. Overall, this would reduce 2016 TACs by about 80 percent. This would lead to significant reductions in harvests of species by small entities. While production declines in the GOA would undoubtedly be associated with price increases in the GOA, these increases would still be constrained by the availability of substitutes, and are very unlikely to offset revenue declines from smaller production. Thus, this action would have a detrimental economic impact on small entities.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities.

Impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the EIS and SIR (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule because delaying this rule would be contrary to the public interest. The Plan Team review occurred in November 2015, and Council consideration and recommendations occurred in December 2015. Accordingly, NMFS' review could not begin until January 2016. For all fisheries not currently closed because the TACs established under the final 2015 and 2016 harvest specifications (80 FR 10250, February 25, 2015) were not reached, it is possible that they would be closed prior to the expiration of a 30-day delayed effectiveness period, because their TACs could be reached within that period. If implemented immediately, this rule would allow these fisheries to continue because the new TACs implemented by this rule are higher than the ones under which they are currently fishing.

Certain fisheries, such as those for pollock and Pacific cod, are intensive, fast-paced fisheries. Other fisheries, such as those for sablefish, flatfish, rockfish, Atka mackerel, skates, sculpins, sharks, squids, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in many of these fisheries. If this rule allowed for a 30-day delay in effectiveness and if a TAC were reached during those 30 days, NMFS would close directed fishing or prohibit retention for the applicable species. Any delay in allocating the final TACs in these fisheries would cause confusion to the industry and potential economic harm through unnecessary discards, thus undermining the intent of this rule. Waiving the 30-day delay allows NMFS to prevent economic loss to fishermen that could otherwise occur should the 2016 TACs be reached. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace.

In fisheries subject to declining sideboard limits, a failure to implement the updated sideboard limits before initial season's end could deny the intended economic protection to the non-sideboarded sectors. Conversely, in fisheries with increasing sideboard limits, economic benefit could be denied to the sideboard limited sectors.

If the final harvest specifications are not effective by March 19, 2016, which is the start of the 2016 Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. This would result in confusion for the industry and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2016 and 2017 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season.

In addition, the immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly true for those species that have lower 2016 ABCs and TACs than those established in the 2015 and 2016 harvest specifications (80 FR 10250, February 25, 2015). Immediate effectiveness also would give the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TACs. Therefore, NMFS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2016 and 2017 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the GOA. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2016 and 2017 fishing years, and to accomplish the goals and objectives of the FMP. This action affects all fishermen who participate in the GOA fisheries. The specific amounts of OFL, ABC, TAC, and PSC are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540 (f), 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L 109–479.

Dated: March 14, 2016.

Samuel D. Rauch III,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XE202

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2016 and 2017 Harvest Specifications for Groundfish

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

ACTION: Final rule; closures.

SUMMARY: NMFS announces final 2016 and 2017 harvest specifications and prohibited species catch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2016 and 2017 fishing years, and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective from 1200 hrs, Alaska local time (A.l.t.), March 18, 2016, through 2400 hrs, A.l.t., December 31, 2017.

ADDRESSES: Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS), Record of Decision (ROD), Supplementary Information Report (SIR) to the EIS, and the Final Regulatory Flexibility Analysis (FRFA) prepared for this action are available from *http://alaskafisheries.noaa.gov.* The final 2015 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2015, as well as the SAFE reports for previous years, are available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510–2252, phone 907–271–2809, or from the Council's Web site at *http://www.npfmc.org/.*

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the total allowable catch (TAC) for each target species category. The sum TAC for all groundfish species must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)). This final rule specifies the TAC at 2.0 million mt for both 2016 and 2017. NMFS also must specify apportionments of TAC, prohibited species catch (PSC) allowances, and prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; Amendment 80 allocations; and Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii). The final harvest specifications set forth in Tables 1 through 26 of this action satisfy these requirements.

Section 679.20(c)(3)(i) further requires NMFS to consider public comment on the proposed annual TACs (and apportionments thereof) and PSC allowances, and to publish final harvest specifications in the **Federal Register**. The proposed 2016 and 2017 harvest specifications and PSC allowances for the groundfish fishery of the BSAI were published in the **Federal Register** on December 9, 2015 (80 FR 76425). Comments were invited and accepted through January 8, 2016. NMFS received two letters of comment on the proposed harvest specifications with fourteen substantive comments. These comments are summarized and responded to in the ''Response to Comments'' section of this rule. NMFS consulted with the Council on the final 2016 and 2017 harvest specifications during the December 2015 Council meeting in Anchorage, AK. After considering public comments, as well as biological and economic data that were available at the Council's December meeting, NMFS implements the final 2016 and 2017 harvest specifications as recommended by the Council.

Acceptable Biological Catch (ABC) and TAC Harvest Specifications

The final ABC levels for Alaska groundfish are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels (OFLs) involves sophisticated statistical analyses of fish populations. The FMP specifies a series of six tiers to define OFL and ABC amounts based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available while Tier 6 represents the lowest.

In December 2015, the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and Council reviewed current biological and harvest information about the condition of the BSAI groundfish stocks. The Council's Plan Team compiled and presented this information in the final 2015 SAFE report for the BSAI groundfish fisheries, dated November 2015 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. NMFS notified the public and asked for review of the 2015 SAFE report in the notice of proposed harvest specifications. From these data and analyses, the Plan Team recommended an OFL and ABC for each species or species category at the November 2015 Plan Team meeting.

In December 2015, the SSC, AP, and Council reviewed the Plan Team's recommendations. The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the sum of the TACs within the required OY range of 1.4 million to 2.0 million mt. As required by annual catch limit rules for all fisheries (74 FR 3178, January 16, 2009), none of the Council's recommended TACs for 2016 or 2017 exceeds the final 2016 or 2017 ABCs for any species category. The Secretary of Commerce (Secretary) approves the final 2016 and 2017 harvest specifications as recommended by the Council. NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the preferred harvest strategy and

the biological condition of groundfish stocks as described in the 2015 SAFE report that was approved by the Council.

Other Actions Potentially Affecting the 2016 and 2017 Harvest Specifications

On November 30, 2015, the Alaska Board of Fisheries (BOF), a regulatory body for the State of Alaska Department of Fish and Game (State), established a guideline harvest level (GHL) in State waters between 164 and 167 degrees west longitude in the Bering Sea subarea (BS) equal to 6.4 percent of the Pacific cod ABC for the BS. The action by the State required a downward adjustment of the 240,000 mt proposed 2016 and 2017 Bering Sea subarea Pacific cod TAC because the combined TAC and GHL was greater than the proposed ABC of 255,000 mt. The maximum permissible TAC after subtraction of the GHL is 238,680 mt for the BS. The BOF for the State established a GHL in State waters in the Aleutian Islands subarea (AI) equal to 27 percent of the Pacific cod ABC for the AI. The action by the State does not require a downward adjustment of the proposed Aleutian Islands subarea Pacific cod TAC because the combined TAC and GHL, 17,600 mt, is less than the proposed ABC.

At its June 2015 meeting, the Council recommended reductions to the BSAI halibut PSC limits by 21 percent through Amendment 111 to the FMP. A notice of availability associated with those recommendations was published on October 29, 2015 (80 FR 66486). The specific reductions are 25 percent for Amendment 80 cooperatives, 15 percent for BSAI trawl limited access fisheries, 20 percent for CDQ fisheries, and 15 percent for non-trawl fisheries. NMFS will publish regulations implementing trawl and non-trawl BSAI halibut PSC limit reductions in 2016, upon approval by the Secretary of a final rule to implement Amendment 111. Upon implementation of the reductions, the 2016 and 2017 halibut PSC limits under this action will be superseded by Amendment 111 and reduced.

Changes From the Proposed 2016 and 2017 Harvest Specifications for the BSAI

The Council's recommendations for the proposed 2016 and 2017 harvest specifications (80 FR 76425, December 9, 2015) were based largely on information contained in the 2014 SAFE report for the BSAI groundfish fisheries. Through the proposed harvest specifications, NMFS notified the public that these harvest specifications could change, as the Council would consider information contained in the final 2015 SAFE report, recommendations from the Plan Team, SSC, and AP committees, and public testimony when making its recommendations for final harvest specifications at the December 2015 Council meeting. NMFS further notified the public that, as required by the FMP and its implementing regulations, the sum of the TACs must be within the OY range of 1.4 million and 2.0 million mt.

Information contained in the 2015 SAFE reports indicates biomass changes for several groundfish species from the 2014 SAFE reports. The 2015 report was made available for public review during the public comment period for the proposed harvest specifications. At the December 2015 Council meeting, the SSC recommended the 2016 and 2017 ABCs for many species based on the best and most recent information contained in the 2015 SAFE reports. This recommendation resulted in an ABC sum total for all BSAI groundfish species in excess of 2 million mt for both 2016 and 2017. Based on the SSC ABC recommendations and the 2015 SAFE reports, the Council recommends increasing Bering Sea pollock by 30,000 mt in 2016 and 30,643 in 2017. In terms of percentage, the largest increases in TACs were for Bogoslof area pollock and BSAI squid. These increases were to account for higher incidental catch needs than were specified in the proposed 2016 and 2017 harvest specifications. The changes to TAC between the proposed and final harvest specifications are based on the most recent scientific and economic information and are consistent with the FMP, regulatory obligations, and harvest strategy as described in the proposed harvest specifications. These changes are compared in Table 1A.

Table 1 lists the Council's recommended final 2016 OFL, ABC, TAC, initial TAC (ITAC), and CDQ reserve amounts of the BSAI groundfish; and Table 2 lists the Council's recommended final 2017 OFL, ABC, TAC, ITAC, and CDQ reserve amounts of the BSAI groundfish. NMFS concurs in these recommendations. The final 2016 and 2017 TAC recommendations for the BSAI are within the OY range established for the BSAI and do not exceed the ABC for any species or species group. The apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1—FINAL 2016 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI [1]

[Amounts are in metric tons]

Species	Area	2016				
		OFL	ABC	TAC	ITAC [2]	CDQ [3]
Pollock [4]	BS	3,910,000	2,090,000	1,340,000	1,206,000	134,000
	AI	39,075	32,227	19,000	17,100	1,900
	Bogoslof	31,906	23,850	500	500	0
Pacific cod [5]	BS	390,000	255,000	238,680	213,141	25,539
	AI	23,400	17,600	12,839	11,465	1,374
Sablefish	BS	1,304	1,151	1,151	950	158
	AI	1,766	1,557	1,557	1,265	263
Yellowfin sole	BSAI	228,100	211,700	144,000	128,592	15,408
Greenland turbot	BSAI	4,194	3,462	2,873	2,442	n/a
	BS	n/a	2,673	2,673	2,272	286
	AI	n/a	789	200	170	0
Arrowtooth flounder	BSAI	94,035	80,701	14,000	11,900	1,498
Kamchatka flounder	BSAI	11,100	9,500	5,000	4,250	0
Rock sole	BSAI	165,900	161,000	57,100	50,990	6,110
Flathead sole [6]	BSAI	79,562	66,250	21,000	18,753	2,247
Alaska plaice	BSAI	49,000	41,000	14,500	12,325	0
Other flatfish [7]	BSAI	17,414	13,061	2,500	2,125	0
Pacific ocean perch	BSAI	40,529	33,320	31,900	28,143	n/a

TABLE 1—FINAL 2016 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI [1]—Continued

[Amounts are in metric tons]

Species	Area	2016				
		OFL	ABC	TAC	ITAC [2]	CDQ [3]
	BS	n/a	8,353	8,000	6,800	0
	EAI	n/a	7,916	7,900	7,055	845
	CAI	n/a	7,355	7,000	6,251	749
	WAI	n/a	9,696	9,000	8,037	963
Northern rockfish	BSAI	14,689	11,960	4,500	3,825	0
Rougheye rockfish [8]	BSAI	693	561	300	255	0
	BS/EAI	n/a	179	100	85	0
	CAI/WAI	n/a	382	200	170	0
Shortraker rockfish	BSAI	690	518	200	170	0
Other rockfish [9]	BSAI	1,667	1,250	875	744	0
	BS	n/a	695	325	276	0
	AI	n/a	555	550	468	0
Atka mackerel	BSAI	104,749	90,340	55,000	49,115	5,885
	BS/EAI	n/a	30,832	28,500	25,451	3,050
	CAI	n/a	27,216	16,000	14,288	1,712
	WAI	n/a	32,292	10,500	9,377	1,124
Skates	BSAI	50,215	42,134	26,000	22,100	0
Sculpins	BSAI	52,365	39,725	4,500	3,825	0
Sharks	BSAI	1,363	1,022	125	106	0
Squids	BSAI	6,912	5,184	1,500	1,275	0
Octopuses	BSAI	3,452	2,589	400	340	0
TOTAL		5,324,080	3,236,662	2,000,000	1,791,97	197,225

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

[2] Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 5).

[3] For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, ''other flatfish,'' Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, ''other rockfish,'' skates, sculpins, sharks, squids, and octopuses are not allocated to the CDQ program.

[4] Under § 679.20(a)(5)(i)(A)(*1*), the annual BS subarea pollock TAC after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4.0 percent), is further allocated by sector for a pollock directed fishery as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,400 mt) is allocated to the Aleut Corporation for a pollock directed fishery.

[5] The BS Pacific cod TAC is reduced by 6.4 percent from the Bering Sea subarea ABC to account for the State of Alaska's (State) guideline harvest level in State waters of the Bering Sea subarea. The AI Pacific cod TAC is set less than 27 percent of the Aleutian Islands subarea ABC to account for the State guideline harvest level in State waters of the Aleutian Islands subarea.

[6] ''Flathead sole'' includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

[7] ''Other flatfish'' includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

[8] ''Rougheye rockfish'' includes *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

[9] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleutian district.)

TABLE 1A—COMPARISON OF FINAL 2016 AND 2017 WITH PROPOSED 2016 AND 2017 TOTAL ALLOWABLE CATCH IN THE BSAI

[Amounts are in metric tons]

Species	Area[1]	2016 final TAC	2016 proposed TAC	2016 difference from proposed	2016 percentage difference from proposed	2017 final TAC	2017 proposed TAC	2017 difference from proposed	2017 percentage difference from proposed
Pollock	BS	1,340,000	1,310,000	30,000	2.3	1,340,643	1,310,000	30,643	2.3
	AI	19,000	19,000	0	0.0	19,000	19,000	0	0.0
	Bogoslof	500	100	400	400.0	500	100	400	400.0
Pacific cod	BS	238,680	240,000	−1,320	−0.5	238,680	240,000	−1,320	−0.5
	AI	12,839	9,422	3,417	36.3	12,839	9,422	3,417	36.3
Sablefish	BS	1,151	1,211	−60	−5.0	1,052	1,211	−159	−13.1
	AI	1,557	1,637	−80	−4.9	1,423	1,637	−214	−13.1
Yellowfin sole	BSAI	144,000	149,000	−5,000	−3.4	144,000	149,000	−5,000	−3.4
Greenland turbot	BS	2,673	2,448	225	9.2	2,673	2,448	225	9.2
	AI	200	200	0	0.0	200	200	0	0.0
Arrowtooth flounder	BSAI	14,000	22,000	−8,000	−36.4	14,000	22,000	−8,000	−36.4

TABLE 1A—COMPARISON OF FINAL 2016 AND 2017 WITH PROPOSED 2016 AND 2017 TOTAL ALLOWABLE CATCH IN THE BSAI—Continued

[Amounts are in metric tons]

Species	Area[1]	2016 final TAC	2016 proposed TAC	2016 difference from proposed	2016 percentage difference from proposed	2017 final TAC	2017 proposed TAC	2017 difference from proposed	2017 percentage difference from proposed
Kamchatka flounder	BSAI	5,000	6,500	−1,500	−23.1	5,000	6,500	−1,500	−23.1
Rock sole	BSAI	57,100	69,250	−12,150	−17.5	57,100	69,250	−12,150	−17.5
Flathead sole	BSAI	21,000	24,250	−3,250	−13.4	21,000	24,250	−3,250	−13.4
Alaska plaice	BSAI	14,500	18,500	−4,000	−21.6	14,500	18,500	−4,000	−21.6
Other flatfish	BSAI	2,500	3,620	−1,120	−30.9	2,500	3,620	−1,120	−30.9
Pacific ocean perch	BS	8,000	8,021	−21	−0.3	7,953	8,021	−68	−0.8
	EAI	7,900	7,970	−70	−0.9	7,537	7,970	−433	−5.4
	CAI	7,000	7,000	0	0.0	7,000	7,000	0	0.0
	WAI	9,000	9,000	0	0.0	9,000	9,000	0	0.0
Northern rockfish	BSAI	4,500	3,250	1,250	38.5	4,500	3,250	1,250	38.5
Rougheye rockfish	BS/EAI	100	149	−49	−32.9	100	149	−49	−32.9
	CAI/WAI	200	200	0	0.0	200	200	0	0.0
Shortraker rockfish	BSAI	200	250	−50	−20.0	200	250	−50	−20.0
Other rockfish	BS	325	325	0	0.0	325	325	0	0.0
	AI	550	555	−5	−0.9	550	555	−5	−0.9
Atka mackerel	EAI/BS	28,500	27,317	1,183	4.3	28,500	27,317	1,183	4.3
	CAI	16,000	17,000	−1,000	−5.9	16,000	17,000	−1,000	−5.9
	WAI	10,500	10,500	0	0.0	10,500	10,500	0	0.0
Skates	BSAI	26,000	25,700	300	1.2	26,000	25,700	300	1.2
Sculpins	BSAI	4,500	4,700	−200	−4.3	4,500	4,700	−200	−4.3
Sharks	BSAI	125	125	0	0.0	125	125	0	0.0
Squid	BSAI	1,500	400	1,100	275.0	1,500	400	1,100	275.0
Octopuses	BSAI	400	400	0	0.0	400	400	0	0.0
TOTAL	BSAI	2,000,000	2,000,000	0	0.0	2,000,000	2,000,000	0	0.0

[1] Bering Sea subarea (BS), Aleutian Islands subarea (AI), Bering Sea and Aleutian Islands management area (BSAI), Eastern Aleutian District (EAI), Central Aleutian District (CAI), and Western Aleutian District (WAI).

TABLE 2—FINAL 2017 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI[1]

[Amounts are in metric tons]

Species	Area	2017				
		OFL	ABC	TAC	ITAC[2]	CDQ[3]
Pollock[4]	BS	3,540,000	2,019,000	1,340,643	1,206,579	134,064
	AI	44,455	36,664	19,000	17,100	1,900
	Bogoslof	31,906	23,850	500	500	0
Pacific cod[5]	BS	412,000	255,000	238,680	213,141	25,539
	AI	23,400	17,600	12,839	11,465	1,374
Sablefish	BS	1,241	1,052	1,052	447	39
	AI	1,681	1,423	1,423	302	27
Yellowfin sole	BSAI	219,200	203,500	144,000	128,592	15,408
Greenland turbot	BSAI	7,416	6,132	2,873	2,442	n/a
	BS	n/a	4,734	2,673	2,272	286
	AI	n/a	1,398	200	170	0
Arrowtooth flounder	BSAI	84,156	72,216	14,000	11,900	1,498
Kamchatka flounder	BSAI	11,700	10,000	5,000	4,250	0
Rock sole	BSAI	149,400	145,000	57,100	50,990	6,110
Flathead sole[6]	BSAI	77,544	64,580	21,000	18,753	2,247
Alaska plaice	BSAI	46,800	39,100	14,500	12,325	0
Other flatfish[7]	BSAI	17,414	13,061	2,500	2,125	0
Pacific ocean perch	BSAI	38,589	31,724	31,490	27,779	n/a
	BS	n/a	7,953	7,953	6,760	0
	EAI	n/a	7,537	7,537	6,731	806
	CAI	n/a	7,002	7,000	6,251	749
	WAI	n/a	9,232	9,000	8,037	963
Northern rockfish	BSAI	14,085	11,468	4,500	3,825	0
Rougheye rockfish[8]	BSAI	855	694	300	255	0
	EBS/EAI	n/a	216	100	85	0
	CAI/WAI	n/a	478	200	170	0
Shortraker rockfish	BSAI	690	518	200	170	0
Other rockfish[9]	BSAI	1,667	1,250	875	744	0
	BS	n/a	695	325	276	0
	AI	n/a	555	550	468	0
Atka mackerel	BSAI	99,490	85,840	55,000	49,115	5,885
	EAI/BS	n/a	29,296	28,500	25,451	3,050
	CAI	n/a	25,860	16,000	14,288	1,712

TABLE 2—FINAL 2017 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI [1]—Continued

[Amounts are in metric tons]

Species	Area	2017				
		OFL	ABC	TAC	ITAC [2]	CDQ [3]
	WAI	n/a	30,684	10,500	9,377	1,124
Skates	BSAI	47,674	39,943	26,000	22,100	0
Sculpins	BSAI	52,365	39,725	4,500	3,825	0
Sharks	BSAI	1,363	1,022	125	106	0
Squids	BSAI	6,912	5,184	1,500	1,275	0
Octopuses	BSAI	3,452	2,589	400	340	0
TOTAL		4,935,455	3,128,135	2,000,000	1,790,446	196,895

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

[2] Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 5).

[3] For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, "other flatfish," Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, "other rockfish," skates, sculpins, sharks, squids, and octopuses are not allocated to the CDQ program.

[4] Under § 679.20(a)(5)(i)(A)(*1*), the annual BS subarea pollock TAC after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4.0 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,400 mt) is allocated to the Aleut Corporation for a pollock directed fishery.

[5] The BS Pacific cod TAC is reduced by 6.4 percent from the Bering Sea subarea ABC to account for the State of Alaska's (State) guideline harvest level in State waters of the Bering Sea subarea. The AI Pacific cod TAC is set less than 27 percent of the Aleutian Islands subarea ABC to account for the State guideline harvest level in State waters of the Aleutian Islands subarea.

[6] "Flathead sole" includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

[7] "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

[8] "Rougheye rockfish" includes *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

[9] "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleutian district.)

Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and Aleutian Islands Pacific Ocean Perch

Section 679.20(b)(1)(i) requires NMFS to reserve 15 percent of the TAC for each target species, except for pollock, hook-and-line and pot gear allocation of sablefish, and Amendment 80 species, in a non-specified reserve. Section 679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the hook-and-line and pot gear allocation of sablefish for the fixed-gear sablefish CDQ reserve. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocations of sablefish and 10.7 percent of the Bering Sea Greenland turbot and arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS allocate 10.7 percent of the TAC for Atka mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod to the CDQ reserves. Sections 679.20(a)(5)(i)(A) and 679.31(a) also require that 10 percent of the BSAI pollock TACs be allocated to the pollock CDQ directed fishing allowance (DFA). The entire Bogoslof District pollock TAC is allocated as an ICA (see § 679.20(a)(5)(ii)). With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ allocations by gear.

Pursuant to § 679.20(a)(5)(i)(A)(*1*), NMFS allocates a pollock ICA of 4.0 percent of the BS subarea pollock TAC after subtracting the 10 percent CDQ reserve. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2000 through 2015. During this 16-year period, the pollock incidental catch ranged from a low of 2.4 percent in 2006 to a high of 4.8 percent in 2014, with a 16-year average of 3.2 percent. Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), NMFS establishes a pollock ICA of 2,400 mt of the AI subarea TAC after subtracting the 10-percent CDQ DFA. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2015. During this 13-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 17 percent in 2014, with a 13-year average of 8 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS allocates ICAs of 5,000 mt of flathead sole, 6,000 mt of rock sole, 3,500 mt of yellowfin sole, 10 mt of WAI Pacific ocean perch, 75 mt of CAI Pacific ocean perch, 200 mt of EAI Pacific ocean perch, 40 mt of WAI Atka mackerel, 75 mt of CAI Atka mackerel, and 1,000 mt of EAI and BS subarea Atka mackerel TAC after subtracting the 10.7 percent CDQ reserve. These ICA allowances are based on NMFS' examination of the incidental catch in other target fisheries from 2003 through 2015.

The regulations do not designate the remainder of the non-specified reserve by species or species group. Any amount of the reserve may be apportioned to a target species category that contributed to the non-specified

reserves during the year, provided that such apportionments do not result in overfishing (see § 679.20(b)(1)(i)). The Regional Administrator has determined that the ITACs specified for the species listed in Table 1 need to be supplemented from the non-specified reserve because U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, in accordance with § 679.20(b)(3), NMFS is apportioning the amounts shown in Table 3 from the non-specified reserve to increase the ITAC for shortraker rockfish, rougheye rockfish, ''other rockfish,'' sharks, and octopuses by 15 percent of the TAC in 2016 and 2017.

TABLE 3—FINAL 2016 AND 2017 APPORTIONMENT OF RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

Species-area or subarea	2016 ITAC	2016 reserve amount	2016 final ITAC	2017 ITAC	2017 reserve amount	2017 final ITAC
Shortraker rockfish-BSAI	170	30	200	170	30	200
Rougheye rockfish-BS/EAI	85	15	100	85	15	100
Rougheye rockfish-CAI/WAI	170	30	200	170	30	200
Other rockfish-Bering Sea subarea	276	49	325	276	49	325
Other rockfish-Aleutian Islands subarea	468	82	550	468	82	550
Sharks	106	19	125	106	19	125
Octopuses	340	60	400	340	60	400
Total	1,615	285	1,900	1,615	285	1,900

Allocation of Pollock TAC Under the American Fisheries Act (AFA)

Section 679.20(a)(5)(i)(A) requires that the BS subarea pollock TAC be apportioned, after subtracting 10 percent for the CDQ program and 4.0 percent for the ICA, as a DFA as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (C/P) sector, and 10 percent to the mothership sector. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10), and 60 percent of the DFA is allocated to the B season (June 10–November 1) (§ 679.20(a)(5)(i)(A)). The AI-directed pollock fishery allocation to the Aleut Corporation is the amount of pollock remaining in the AI subarea after subtracting 1,900 mt for the CDQ DFA (10 percent) and 2,400 mt for the ICA (§ 679.20(a)(5)(iii)(B)(*2*)(*ii*)). In the AI subarea, the total A season apportionment of the TAC is less than or equal to 40 percent of the ABC and the remainder of the TAC is allocated to the B season. Tables 4 and 5 list these 2016 and 2017 amounts.

The Steller sea lion protection measure final rule (79 FR 70286, November 25, 2014) sets harvest limits for pollock in the A season (January 20 to June 10) in Areas 543, 542, and 541, see § 679.20(a)(5)(iii)(B)(*6*). In Area 543, the A season pollock harvest limit is no more than 5 percent of the Aleutian Islands pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the Aleutian Islands ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the Aleutian Islands ABC.

Section 679.20(a)(5)(i)(A)(*4*) also includes several specific requirements regarding BS subarea pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the C/P sector be available for harvest by AFA catcher vessels (CVs) with C/P sector endorsements, unless the Regional Administrator receives a cooperative contract that allows the distribution of harvest among AFA C/Ps and AFA CVs in a manner agreed to by all members. Second, AFA C/Ps not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the C/P sector. Tables 4 and 5 list the 2016 and 2017 allocations of pollock TAC. Tables 21 through 26 list the AFA C/P and CV harvesting sideboard limits. The tables for the pollock allocations to the BS subarea inshore pollock cooperatives and open access sector will be posted on the Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

Tables 4 and 5 also list seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual DFA before 12:00 noon, April 1, as provided in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA. Tables 4 and 5 list these 2016 and 2017 amounts by sector.

TABLE 4—FINAL 2016 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)[1]

[Amounts are in metric tons]

Area and sector	2016 Allocations	2016 A season[1]		2016 B season[1]
		A season DFA	SCA Harvest limit[2]	B season DFA
Bering Sea subarea TAC[1]	1,340,000	n/a	n/a	n/a
CDQ DFA	134,000	53,600	37,520	80,400
ICA[1]	48,240	n/a	n/a	n/a
AFA Inshore	578,880	231,552	162,086	347,328
AFA Catcher/Processors[3]	463,104	185,242	129,669	277,862
Catch by C/Ps	423,740	169,496	n/a	254,244
Catch by CVs[3]	39,364	15,746	n/a	23,618
Unlisted C/P Limit[4]	2,316	926	n/a	1,389
AFA Motherships	115,776	46,310	32,417	69,466

TABLE 4—FINAL 2016 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)[1]—Continued

[Amounts are in metric tons]

Area and sector	2016 Allocations	2016 A season[1]		2016 B season[1]
		A season DFA	SCA Harvest limit[2]	B season DFA
Excessive Harvesting Limit[5]	202,608	n/a	n/a	n/a
Excessive Processing Limit[6]	347,328	n/a	n/a	n/a
Total Bering Sea DFA	1,157,760	463,104	324,173	694,656
Aleutian Islands subarea ABC	32,227	n/a	n/a	n/a
Aleutian Islands subarea TAC[1]	19,000	n/a	n/a	n/a
CDQ DFA	1,900	760	n/a	1,140
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	10,931	n/a	3,769
Area harvest limit[7]				
541	9,668	n/a	n/a	n/a
542	4,834	n/a	n/a	n/a
543	1,611	n/a	n/a	n/a
Bogoslof District ICA[8]	500	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (4.0 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

[8] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

NOTE: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 5–FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)[1]

[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season[1]		2017 B season[1]
		A season DFA	SCA Harvest limit[2]	B season DFA
Bering Sea subarea TAC[1]	1,340,643	n/a	n/a	n/a
CDQ DFA	134,064	53,626	37,538	80,439
ICA[1]	48,263	n/a	n/a	n/a
AFA Inshore	579,158	231,663	162,164	347,495
AFA Catcher/Processors[3]	463,326	185,330	129,731	277,996
Catch by C/Ps	423,943	169,577	n/a	254,366
Catch by CVs[3]	39,383	15,753	n/a	23,630
Unlisted C/P Limit[4]	2,317	927	n/a	1,390
AFA Motherships	115,832	46,333	32,433	69,499
Excessive Harvesting Limit[5]	202,705	n/a	n/a	n/a
Excessive Processing Limit[6]	347,495	n/a	n/a	n/a
Total Bering Sea DFA	1,158,316	463,326	324,328	694,989
Aleutian Islands subarea ABC	36,664	n/a	n/a	n/a
Aleutian Islands subarea TAC[1]	19,000	n/a	n/a	n/a
CDQ DFA	1,900	760	n/a	1,140
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	12,706	n/a	1,994
Area harvest limit[7]				
541	10,999	n/a	n/a	n/a
542	5,500	n/a	n/a	n/a
543	1,833	n/a	n/a	n/a

TABLE 5–FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]—Continued

[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season [1]		2017 B season [1]
		A season DFA	SCA Harvest limit [2]	B season DFA
Bogoslof District ICA [8]	500	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (4.0 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

[8] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

NOTE: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Atka Mackerel TACs

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, jig gear allocation, and ICAs for the BSAI trawl limited access sector and non-trawl gear sector (Tables 6 and 7). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in Table 33 to part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the EAI and the BS subarea Atka mackerel ITAC may be allocated to vessels using jig gear. The percent of this allocation is recommended annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS approves, a 0.5 percent allocation of the Atka mackerel ITAC in the EAI and BS subarea to the jig gear sector in 2015 and 2016. This percentage is applied to the Atka mackerel TAC after subtracting the CDQ reserve and the ICA.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to CDQ Atka mackerel fishing. The ICA and jig gear allocations are not apportioned by season.

Sections 679.20(a)(8)(ii)(C)(*1*)(*i*) and (*ii*) limit Atka mackerel catch within waters 0 nm to 20 nm of Steller sea lion sites listed in Table 6 to this part and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543, and equally divide the annual TAC between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(*2*) requires that the annual TAC in Area 543 will be no more than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0 nm to 20 nm of Steller sea lion sites listed in Table 6 to this part and located in Areas 541, 542, and 543.

Tables 6 and 7 list these 2016 and 2017 Atka mackerel seasons, area allowances, and the sector allocations. The 2017 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016.

TABLE 6—FINAL 2016 SEASONAL AND SPATIAL ALLOWANCE, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector [1]	Season [2 3 4]	2016 Allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District [5]	Western Aleutian District
TAC	n/a	28,500	16,000	10,500
CDQ reserve	Total	3,050	1,712	1,124
	A	1,525	856	562
	Critical Habitat	n/a	514	337
	B	1,525	856	562
	Critical Habitat	n/a	514	337
ICA	Total	1,000	75	40
Jig [6]	Total	122	0	0

TABLE 6—FINAL 2016 SEASONAL AND SPATIAL ALLOWANCE, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC—Continued

[Amounts are in metric tons]

Sector [1]	Season [2 3 4]	2016 Allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District [5]	Western Aleutian District
BSAI trawl limited access	Total	2,433	1,421	0
	A	1,216	711	0
	Critical Habitat	n/a	426	0
	B	1,216	711	0
	Critical Habitat	n/a	426	0
Amendment 80 sectors	Total	21,895	12,792	9,337
	A	10,948	6,396	4,668
	B	10,948	6,396	4,668
Alaska Groundfish Cooperative	Total [6]	12,349	7,615	5,742
	A	6,175	3,808	2,871
	Critical Habitat	n/a	2,285	1,723
	B	6,175	3,808	2,871
	Critical Habitat	n/a	2,285	1,723
Alaska Seafood Cooperative	Total [6]	9,546	5,177	3,595
	A	4,773	2,589	1,798
	Critical Habitat	n/a	1,553	1,079
	B	4,773	2,589	1,798
	Habitat	n/a	1,553	1,079

[1] Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

[2] Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

[3] The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

[4] Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

[5] Section 679.20(a)(8)(ii)(C)(*1*)(*i*) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of critical habitat; (a)(ii)(C)(1)(ii) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and (a)(8)(ii)(C)(*2*) requires the TAC in Area 543 shall be no more than 65 percent of ABC.

[6] Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 7—FINAL 2017 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATION OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector [1]	Season [2 3 4]	2017 Allocation by area		
		Eastern Aleutian District/ Bering Sea [5]	Central Aleutian District [5]	Western Aleutian District [5]
TAC	n/a	28,500	16,000	10,500
CDQ reserve	Total	3,050	1,712	1,124
	A	1,525	856	562
	Critical Habitat	n/a	514	337
	B	1,525	856	562
	Critical Habitat	n/a	514	337
ICA	Total	1,000	75	40
Jig [6]	Total	122	0	0
BSAI trawl limited access	Total	2,433	1,421	0
	A	1,216	711	0
	Critical Habitat	n/a	426	0
	B	1,216	711	0
	Critical Habitat	n/a	426	0
Amendment 80 sectors [7]	Total	21,895	12,792	9,337
	A	10,948	6,396	4,668
	B	10,948	6,396	4,668

[1] Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

[2] Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

[3] The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

[4] Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

[5] Section 679.20(a)(8)(ii)(C)(*1*)(*i*) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of critical habitat; (a)(8)(ii)(C)(*1*)(*ii*) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and (a)(8)(ii)(C)(*2*) requires the TAC in Area 543 shall be no more than 65 percent of ABC.

[6] Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

[7] The 2017 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016. NMFS will post 2017 Amendment 80 allocations when they become available in December 2016.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Pacific Cod TAC

The Council separated BS and AI subarea OFLs, ABCs, and TACs for Pacific cod in 2014 (79 FR 12108, March 4, 2014). Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the BS TAC and AI TAC to the CDQ program. After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BS and AI Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations. However, if the non-CDQ Pacific cod TAC is or will be reached in either the BS or AI subareas, NMFS will prohibit non-CDQ directed fishing for Pacific cod in that subarea as provided in § 679.20(d)(1)(iii).

Sections 679.20(a)(7)(i) and (ii) allocate the Pacific cod TAC in the combined BSAI TAC, after subtracting 10.7 percent for the CDQ program, as follows: 1.4 percent to vessels using jig gear; 2.0 percent to hook-and-line and pot CVs less than 60 ft (18.3 m) length overall (LOA); 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA; 48.7 percent to hook-and-line C/P; 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA; 1.5 percent to pot C/Ps; 2.3 percent to AFA trawl C/Ps; 13.4 percent to non-AFA trawl C/Ps; and 22.1 percent to trawl CVs. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2016 and 2017, the Regional Administrator establishes an ICA of 500 mt based on anticipated incidental catch by these sectors in other fisheries.

The ITAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to part 679 and § 679.91. The 2017 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016.

The Pacific cod ITAC is apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7) and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance will become available at the beginning of the next seasonal allowance.

Section 679.20(a)(7)(vii) requires the Regional Administrator to establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543. Based on the 2015 stock assessment, the Regional Administrator determined the Area 543 Pacific cod harvest limit to be 26.3 percent of the AI Pacific cod TAC for 2016 and 2017. NMFS will first subtract the State GHL Pacific cod amount from the AI Pacific cod ABC. Then NMFS will determine the harvest limit in Area 543 by multiplying the percentage of Pacific cod estimated in Area 543 by the remaining ABC for AI Pacific cod. Based on these calculations, the Area 543 harvest limit is 3,379 mt.

The CDQ and non-CDQ season allowances by gear based on the 2016 and 2017 Pacific cod TACs are listed in Tables 8 and 9, and are based on the sector allocation percentages of Pacific cod set forth at §§ 679.20(a)(7)(i)(B) and 679.20(a)(7)(iv)(A) and the seasonal allowances of Pacific cod set forth at § 679.23(e)(5).

TABLE 8—FINAL 2016 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Gear sector	Percent	2016 Share of gear sector total	2016 Share of sector total	2016 Seasonal apportionment	
				Seasons	Amount
BS TAC	n/a	238,680	n/a	n/a	n/a
BS CDQ	n/a	25,539	n/a	see § 679.20(a)(7)(i)(B)	n/a
BS non-CDQ TAC	n/a	213,141	n/a	n/a	n/a
AI TAC	n/a	12,839	n/a	n/a	n/a
AI CDQ	n/a	1,374	n/a	see § 679.20(a)(7)(i)(B)	n/a
AI non-CDQ TAC	n/a	11,465	n/a	n/a	n/a
Western Aleutian Island Limit	n/a	3,379	n/a	n/a	n/a
Total BSAI non-CDQ TAC [1]	100	224,606	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	136,561	n/a	n/a	n/a
Hook-and-line/pot ICA [2]	n/a	500	n/a	see § 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	136,061	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	108,983	Jan 1–Jun 10	55,581
				Jun 10–Dec 31	53,402
Hook-and-line catcher vessel ≥ 60 ft LOA.	0.2	n/a	448	Jan 1–Jun 10	228
				Jun 10–Dec 31	219
Pot catcher/processor	1.5	n/a	3,357	Jan 1–Jun 10	1,712
				Sept 1–Dec 31	1,645
Pot catcher vessel ≥ 60 ft LOA	8.4	n/a	18,798	Jan 1–Jun 10	9,587
				Sept 1–Dec 31	9,211
Catcher vessel < 60 ft LOA using hook-and-line or pot gear.	2	n/a	4,476	n/a	n/a
Trawl catcher vessel	22.1	49,638	n/a	Jan 20–Apr 1	36,732

TABLE 8—FINAL 2016 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC—Continued

[Amounts are in metric tons]

Gear sector	Percent	2016 Share of gear sector total	2016 Share of sector total	2016 Seasonal apportionment	
				Seasons	Amount
				Apr 1–Jun 10	5,460
				Jun 10–Nov 1	7,446
AFA trawl catcher/processor	2.3	5,166	n/a	Jan 20–Apr 1	3,874
				Apr 1–Jun 10	1,291
				Jun 10–Nov 1	0
Amendment 80	13.4	30,097	n/a	Jan 20–Apr 1	22,573
				Apr 1–Jun 10	7,524
				Jun 10–Nov 1	0
Alaska Groundfish Cooperative	n/a	n/a	4,751	Jan 20–Apr 1	3,563
				Apr 1–Jun 10	1,188
				Jun 10–Dec 31	0
Alaska Seafood Cooperative	n/a	n/a	25,346	Jan 20–Apr 1	19,010
				Apr 1–Jun 10	6,337
				Jun 10–Dec 31	0
Jig	1.4	3,144	n/a	Jan 1–Apr 30	1,887
				Apr 30–Aug 31	629
				Aug 31–Dec 31	629

[1] The gear shares and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of CDQ. If the TAC for Pacific cod in either the AI or BS is reached, then directed fishing for Pacific cod in that subarea may be prohibited, even if a BSAI allowance remains.

[2] The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 500 mt for 2016 based on anticipated incidental catch in these fisheries.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 9—FINAL 2017 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Gear sector	Percent	2017 Share of gear sector total	2017 Share of sector total	2017 Seasonal apportionment	
				Seasons	Amount
BS TAC	n/a	238,680	n/a	n/a	n/a
BS CDQ	n/a	25,539	n/a	see § 679.20(a)(7)(i)(B)	n/a
BS non-CDQ TAC	n/a	213,141	n/a	n/a	n/a
AI TAC	n/a	12,839	n/a	n/a	n/a
AI CDQ	n/a	1,374	n/a	see § 679.20(a)(7)(i)(B)	n/a
AI non-CDQ TAC	n/a	11,465	n/a	n/a	n/a
Western Aleutian Island Limit	n/a	3,379	n/a	n/a	n/a
Total BSAI non-CDQ TAC [1]	n/a	224,606	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	136,561	n/a	n/a	n/a
Hook-and-line/pot ICA [2]	n/a	500	n/a	see § 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	136,061	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	108,983	Jan 1–Jun 10	55,581
				Jun 10–Dec 31	53,402
Hook-and-line catcher vessel ≥ 60 ft LOA.	0.2	n/a	448	Jan 1–Jun 10	228
				Jun 10–Dec 31	219
Pot catcher/processor	1.5	n/a	3,357	Jan 1–Jun 10	1,712
				Sept 1–Dec 31	1,645
Pot catcher vessel ≥ 60 ft LOA	8.4	n/a	18,798	Jan 1–Jun 10	9,587
				Sept 1–Dec 31	9,211
Catcher vessel < 60 ft LOA using hook-and-line or pot gear.	2	n/a	4,476	n/a	n/a
Trawl catcher vessel	22.1	49,638	n/a	Jan 20–Apr 1	36,732
				Apr 1–Jun 10	5,460
				Jun 10–Nov 1	7,446
AFA trawl catcher/processor	2.3	5,166	n/a	Jan 20–Apr 1	3,874
				Apr 1–Jun 10	1,291
				Jun 10–Nov 1	0
Amendment 80	13.4	30,097	n/a	Jan 20–Apr 1	22,573
				Apr 1–Jun 10	7,524
				Jun 10–Dec 31	0
Jig	1.4	3,144	n/a	Jan 1–Apr 30	1,887
				Apr 30–Aug 31	629
				Aug 31–Dec 31	629

[1] The gear shares and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of CDQ. If the TAC for Pacific cod in either the AI or BS is reached, then directed fishing for Pacific cod in that subarea may be prohibited, even if a BSAI allowance remains.

[2] The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 500 mt for 2017 based on anticipated incidental catch in these fisheries.
Note: Seasonal or sector apportionments may not total precisely due to rounding.

Sablefish Gear Allocation

Sections 679.20(a)(4)(iii) and (iv) require allocation of the sablefish TAC for the BS and AI subareas between trawl and hook-and-line or pot gear sectors. Gear allocations of the TAC for the BS subarea are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear. Gear allocations of the TACs for the AI subarea are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(ii)(B) requires NMFS to apportion 20 percent of the hook-and-line and pot gear allocation of sablefish to the CDQ reserve. Additionally, § 679.20(b)(1)(ii)(D)(*1*) requires that 7.5 percent of the trawl gear allocation of sablefish from the non-specified reserves, established under § 679.20(b)(1)(i), be assigned to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line gear and pot gear sablefish Individual Fishing Quota (IFQ) fisheries will be limited to the 2016 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries will reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries will remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 10 lists the 2016 and 2017 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 10—FINAL 2016 AND 2017 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2016 Share of TAC	2016 ITAC	2016 CDQ Reserve	2017 Share of TAC	2017 ITAC	2017 CDQ Reserve
Bering Sea:							
Trawl [1]	50	576	489	43	526	447	39
Hook-and-line/pot gear [2]	50	576	460	115	n/a	n/a	n/a
Total	100	1,151	950	158	526	447	39
Aleutian Islands:							
Trawl [1]	25	389	331	29	356	302	27
Hook-and-line/pot gear [2]	75	1,168	934	234	n/a	n/a	n/a
Total	100	1,557	1,265	263	356	302	27

[1] Except for the sablefish hook-and-line or pot gear allocation, 15 percent of TAC is apportioned to the reserve. The ITAC is the remainder of the TAC after the subtracting these reserves.
[2] For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. The Council recommended that specifications for the hook-and-line gear sablefish IFQ fisheries be limited to one year.
Note: Sector apportionments may not total precisely due to rounding.

Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Sections 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TAC between the Amendment 80 sector and BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserve and an ICA for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocation of the ITAC for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector is established in accordance with Tables 33 and 34 to part 679 and § 679.91.

The 2017 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016. Tables 11 and 12 list the 2016 and 2017 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 11—FINAL 2016 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	7,900	7,000	9,000	21,000	57,100	144,000
CDQ	845	749	963	2,247	6,110	15,408
ICA	200	75	10	5,000	6,000	3,500
BSAI trawl limited access	685	618	161	0	0	14,979
Amendment 80	6,169	5,558	7,866	13,753	44,990	110,113
Alaska Groundfish Cooperative	3,271	2,947	4,171	1,411	11,129	43,748

TABLE 11—FINAL 2016 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS—Continued

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
Alaska Seafood Cooperative	2,898	2,611	3,695	12,342	33,861	66,365

Note: Sector apportionments may not total precisely due to rounding.

TABLE 12—FINAL 2017 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	7,537	7,002	9,000	21,000	57,100	144,000
CDQ	806	749	963	2,247	6,110	15,408
ICA	200	75	10	5,000	6,000	3,500
BSAI trawl limited access	653	618	161	0	0	14,979
Amendment 80 [1]	5,877	5,560	7,866	13,753	44,990	110,113

[1] The 2017 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016. NMFS will publish 2017 Amendment 80 allocations when they become available in December 2016.

Note: Sector apportionments may not total precisely due to rounding.

Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80 cooperatives from achieving, on a continuing basis, the optimum yield in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species thus maintaining the TAC below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ reserves for flathead sole, rock sole, and yellowfin sole. The Amendment 80 ABC reserves shall be the ABC reserves minus the CDQ ABC reserves. Section 679.91(i)(2) establishes each Amendment 80 cooperative ABC reserve to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 13 lists the 2016 and 2017 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

TABLE 13—FINAL 2016 AND 2017 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2016 Flathead sole	2016 Rock sole	2016 Yellowfin sole	2017 Flathead sole	2017 Rock sole	2017 Yellowfin sole
ABC	66,250	161,100	211,700	64,580	145,000	203,500
TAC	21,000	57,100	144,000	21,000	57,100	144,000
ABC surplus	45,250	104,000	67,700	43,580	87,900	59,500
ABC reserve	45,250	104,000	67,700	43,580	87,900	59,500
CDQ ABC reserve	4,842	11,128	7,244	4,663	9,405	6,367
Amendment 80 ABC reserve	40,408	92,872	60,456	38,917	78,495	53,134
Alaska Groundfish Cooperative for 2016 [1]	4,145	22,974	24,019	n/a	n/a	n/a
Alaska Seafood Cooperative for 2016 [1]	36,263	69,898	36,437	n/a	n/a	n/a

[1] The 2017 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016.

PSC Limits for Halibut, Salmon, Crab, and Herring

Section 679.21(e) sets forth the BSAI PSC limits. Reductions to the BSAI halibut PSC limits are expected to be implemented in 2016, pending Secretarial approval of Amendment 111 and the effective date of publication of a final rule. On implementation of the reductions, the 2016 and 2017 halibut PSC limits under this action will be superseded by Amendment 111 and reduced. Pursuant to § 679.21(e)(1)(iv) and (e)(2), the 2016 and 2017 BSAI halibut mortality limits are 3,675 mt for trawl fisheries and 900 mt for the non-trawl fisheries. Sections 679.21(e)(3)(i)(A)(*2*) and 679.21(e)(4)(i)(A) allocate 326 mt of the trawl halibut mortality limit and 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program.

Section 679.21(e)(4)(i) authorizes apportioning the non-trawl halibut PSC limit into PSC bycatch allowances among six fishery categories. Tables 15 and 16 list the fishery bycatch allowances for the trawl fisheries, and Table 17 lists the fishery bycatch allowances for the non-trawl fisheries.

Pursuant to Section 3.6 of the FMP, the Council recommends, and NMFS agrees, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consulting with the Council, NMFS exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions for the following reasons: (1) The pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the IFQ program requires legal-size halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ (subpart D of 50 CFR part 679). In 2015, total groundfish catch for the pot gear fishery in the BSAI was approximately 38,149 mt, with an associated halibut bycatch mortality of about 3 mt.

The 2015 jig gear fishery harvested about 29 mt of groundfish. Most vessels in the jig gear fleet are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, as mentioned above, NMFS estimates the jig gear sector will have a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Section 679.21(f)(2) annually allocates portions of either 47,591 or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past catch performance and on whether Chinook salmon bycatch incentive plan agreements are formed. If an AFA sector participates in an approved Chinook salmon bycatch incentive plan agreement, then NMFS will allocate a portion of the 60,000 PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no Chinook salmon bycatch incentive plan agreement is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), then NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector, as specified in § 679.21(f)(3)(iii)(B). In 2016, the Chinook salmon PSC limit is 60,000 and the AFA sector Chinook salmon allocations are seasonally allocated with 70 percent of the allocation for the A season pollock fishery, and 30 percent of the allocation for the B season pollock fishery as stated in § 679.21(f)(3)(iii)(A). The basis for these PSC limits is described in detail in the final rule implementing management measures for Amendment 91 (75 FR 53026, August 30, 2010). NMFS publishes the approved Chinook salmon bycatch incentive plan agreements, 2016 allocations, and reports at *http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm* when they become available.

Section 679.21(e)(1)(viii) specifies 700 fish as the 2016 and 2017 Chinook salmon PSC limit for the AI subarea pollock fishery. Section 679.21(e)(3)(i)(A)(*3*)(*i*) allocates 7.5 percent, or 53 Chinook salmon, to the AI subarea PSQ for the CDQ program, and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(e)(1)(vii) specifies 42,000 fish as the 2016 and 2017 non-Chinook salmon PSC limit in the Catcher Vessel Operational Area (CVOA). Section 679.21(e)(3)(i)(A)(*3*)(*ii*) allocates 10.7 percent, or 4,494 non-Chinook salmon in the CVOA as the PSQ for the CDQ program, and allocates the remaining 37,506 non-Chinook salmon in the CVOA as the PSC limit for the non-CDQ fisheries.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Section 679.21(e)(3)(i)(A)(*1*) allocates 10.7 percent from each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ program.

Based on the 2015 survey data, the red king crab mature female abundance is estimated to be at 18.6 million red king crabs, which is above the threshold of 8.4 million red king crabs, and the effective spawning biomass is estimated at 46.5 million lbs (21,092 mt). Based on the criteria set out at § 679.21(e)(1)(i), the 2016 and 2017 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance of more than 8.4 million king crab and the effective spawning biomass estimate of less than 55 million lb (24,948 mt).

Section 679.21(e)(3)(ii)(B)(*2*) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The regulations limit the RKCSS red king crab bycatch limit to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In December 2015, the Council recommended and NMFS concurs that the red king crab bycatch limit be equal to 25 percent of the red king crab PSC limit within the RKCSS (Table 15).

Based on 2015 survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 329 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2016 and 2017 *C. bairdi* crab PSC limit for trawl gear is 830,000 animals in Zone 1, and 2,520,000 animals in Zone 2. In Zone 1, *C. bairdi* abundance was estimated to be greater than 270 million and less than 400 million animals. In Zone 2, *C. bairdi* abundance was estimated to be greater than 290 million animals and less than 400 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit is set at 0.1133 percent of the BS abundance index minus 150,000 crab. Based on the 2015 survey estimate of 4.288 billion animals, the calculated *C. opilio* crab PSC limit is 4,708,314 animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern BS herring biomass. The best estimate of 2016 and 2017 herring biomass is 263,098 mt. This amount was developed by the Alaska Department of Fish and Game based on spawning location estimates. Therefore, the herring PSC limit for 2016 and 2017 is

2,361 mt for all trawl gear as listed in Tables 14 and 15.

Section 679.21(e)(3)(i)(A) requires PSQ reserves to be subtracted from the total trawl PSC limits. The 2015 PSC limits assigned to the Amendment 80 and BSAI trawl limited access sectors are specified in Table 35 to part 679. The resulting allocations of PSC limit to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access fisheries are listed in Table 10. Pursuant to § 679.21(e)(1)(iv) and § 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as PSC cooperative quota as listed in Table 18. PSC cooperative quota assigned to Amendment 80 cooperatives is not allocated to specific fishery categories. In 2016, there are no vessels in the Amendment 80 limited access sector. The 2017 PSC allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016. Section 679.21(e)(3)(i)(B) requires NMFS to apportion each trawl PSC limit not assigned to Amendment 80 cooperatives into PSC bycatch allowances for seven specified fishery categories.

Section 679.21(e)(5) authorizes NMFS, after consulting with the Council, to establish seasonal apportionments of PSC amounts for the BSAI trawl limited access and Amendment 80 limited access sectors in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass, (4) expected variations in bycatch rates throughout the year, (5) expected start of fishing effort, and (6) economic effects of seasonal PSC apportionments on industry sectors. The Council recommended and NMFS approves the seasonal PSC apportionments in Tables 15 and 16 to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria.

TABLE 14—FINAL 2016 AND 2017 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area[1]	Non-trawl PSC remaining after CDQ PSQ[2]	Non-trawl PSC remaining after CDQ PSQ[2]	Total trawl PSC	Trawl PSC remaining after CDQ PSQ[2]	CDQ PSQ reserve[2]	Amendment 80 sector[3]	BSAI trawl limited access fishery
Halibut mortality (mt) BSAI	900	832	3,675	3,349	393	2,325	875
Herring (mt) BSAI	n/a	n/a	2,631	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1	n/a	n/a	97,000	86,621	10,379	43,293	26,489
C. opilio (animals) COBLZ	n/a	n/a	4,708,314	4,204,524	503,790	2,066,524	1,351,334
C. bairdi crab (animals) Zone 1	n/a	n/a	830,000	741,190	88,810	312,115	348,285
C. bairdi crab (animals) Zone 2	n/a	n/a	2,520,000	2,250,360	269,640	532,660	1,053,394

[1] Refer to § 679.2 for definitions of zones.

[2] Section 679.21(e)(3)(i)(A)(*2*) allocates 326 mt of the trawl halibut mortality limit and § 679.21(e)(4)(i)(A) allocates 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program. The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

[3] The Amendment 80 program reduced apportionment of the trawl PSC limits by 150 mt for halibut mortality and 20 percent for crab. These reductions are not apportioned to other gear types or sectors.

Note: Sector apportionments may not total precisely due to rounding.

TABLE 15—FINAL 2016 AND 2017 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery Categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	179	n/a
Rock sole/flathead sole/other flatfish[1]	29	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	19	n/a
Rockfish	13	n/a
Pacific cod	40	n/a
Midwater trawl pollock	2,151	n/a
Pollock/Atka mackerel/other species[2,3]	199	n/a
Red king crab savings subarea non-pelagic trawl gear[4]	n/a	24,250
Total trawl PSC	2,631	97,000

[1] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[2] Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

[3] "Other species" for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.

[4] In December 2015 the Council recommended that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(*2*)).

Note: Species apportionments may not total precisely due to rounding.

TABLE 16—FINAL 2016 AND 2017 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Yellowfin sole	167	23,338	1,273,886	293,234	1,005,879
Rock sole/flathead sole/other flatfish [2]	0	0	0	0	0
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	0	0	0	0	0
Rockfish April 15–December 31	5	0	2,104	0	849
Pacific cod	453	2,954	54,298	50,816	42,424
Pollock/Atka mackerel/other species [3]	250	197	21,046	4,235	4,242
Total BSAI trawl limited access PSC	875	26,489	1,351,334	348,285	1,053,394

[1] Refer to § 679.2 for definitions of areas.
[2] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.
[3] "Other species" for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.
Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 17—FINAL 2016 AND 2017 HALIBUT PROHIBITED SPECIES BY CATCH ALLOWANCES FOR NON-TRAWL FISHERIES

[Halibut mortality (mt) BSAI]

Non-trawl fisheries	Seasons	Catcher/ processor	Catcher vessel	All Non-Trawl
Pacific cod	Total Pacific cod	760	15	n/a
	January 1–June 10	455	10	n/a
	June 10–August 15	190	3	n/a
	August 15–December 31	115	2	n/a
Non-Pacific cod non-trawl-Total	May 1–December 31	n/a	n/a	58
Groundfish pot and jig	n/a	n/a	n/a	Exempt.
Sablefish hook-and-line	n/a	n/a	n/a	Exempt.
Total for all non-trawl PSC	n/a	n/a	n/a	833

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 18—FINAL 2016 PROHIBITED SPECIES BY CATCH ALLOWANCE FOR THE BSAI AMENDMENT 80 COOPERATIVES

Cooperative	Prohibited species and zones [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Alaska Groundfish Cooperative	632	12,459	650,551	82,136	137,369
Alaska Seafood Cooperative	1,693	30,834	1,415,973	229,979	395,291

[1] Refer to § 679.2 for definitions of zones.
Note: Sector apportionments may not total precisely due to rounding.

Halibut Discard Mortality Rates (DMR)

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut bycatch rates, DMRs, and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The DMRs are based on the best information available, including information contained in the annual SAFE report.

NMFS is implementing the halibut DMRs developed and recommended by the International Pacific Halibut Commission (IPHC) and the Council for the 2016 and 2017 BSAI groundfish fisheries for use in monitoring the 2016 and 2017 halibut bycatch allowances (see Tables 14, 15, 16, 17, and 18). The IPHC and the Council developed these DMRs for the 2016 and 2017 BSAI fisheries using the 10-year mean DMRs for those fisheries. Long-term average DMRs were not available for some fisheries, so rates from the most recent years were used. For the skate, sculpin, shark, squid, and octopus target fisheries, where not enough halibut mortality data are available, the mortality rate of halibut caught in the Pacific cod fishery for that gear type was recommended as a default rate. The IPHC and Council staff will analyze observer data annually and recommend changes to the DMRs when a fishery DMR shows large variation from the mean. A discussion of the DMRs and how they are established is available from the Council (see **ADDRESSES**). Table 19 lists the 2016 and 2017 DMRs.

TABLE 19—FINAL 2016 AND 2017 PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI

Gear	Fishery	Halibut discard mortality rate (percent)
Non-CDQ hook-and-line	Greenland turbot	11
	Other species.[1]	9
	Pacific cod	9
	Rockfish	9
Non-CDQ trawl	Alaska plaice	66
	Arrowtooth flounder	84
	Atka mackerel	82
	Flathead sole	72
	Greenland turbot	82
	Kamchatka flounder	84
	Non-pelagic pollock	81
	Pelagic pollock	88
	Other flatfish[2]	63
	Other species.[1]	66
	Pacific cod	66
	Rockfish	83
	Rock sole	86
	Sablefish	66
	Yellowfin sole	84
Non-CDQ Pot	Other species.[1]	9
	Pacific cod	9
CDQ trawl	Atka mackerel	82
	Arrowtooth flounder	84
	Flathead sole	79
	Kamchatka flounder	84
	Non-pelagic pollock	86
	Pelagic pollock	90
	Pacific cod	87
	Greenland turbot	89
	Rockfish	70
	Rock sole	86
	Yellowfin sole	85
CDQ hook-and-line	Greenland turbot	10
	Pacific cod	10
CDQ pot	Pacific cod	1
	Sablefish	41

[1] "Other species" includes skates, sculpins, sharks, squids, and octopuses.
[2] "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

Directed Fishing Closures

In accordance with § 679.20(d)(1)(i), the Regional Administrator may establish a DFA for a species or species group if the Regional Administrator determines that any allocation or apportionment of a target species has been or will be reached. If the Regional Administrator establishes a DFA, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district (see § 697.20(d)(1)(iii)). Similarly, pursuant to § 679.21(e), if the Regional Administrator determines that a fishery category's bycatch allowance of halibut, red king crab, *C. bairdi* crab, or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

Based on historic catch patterns and anticipated fishing activity, the Regional Administrator has determined that the groundfish allocation amounts in Table 20 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2016 and 2017 fishing years. Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species and species groups in Table 20 as zero. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for these sectors and species in the specified areas effective at 1200 hrs, A.l.t., March 18, 2016, through 2400 hrs, A.l.t., December 31, 2017. Also, for the BSAI trawl limited access sector, bycatch allowances of halibut, red king crab, *C. bairdi* crab, and *C. opilio* crab listed in Table 20 are insufficient to support directed fisheries. Therefore, in accordance with § 679.21(e)(7), NMFS is prohibiting directed fishing for these sectors and fishery categories in the specified areas effective at 1200 hrs, A.l.t., March 18, 2016, through 2400 hrs, A.l.t., December 31, 2017.

TABLE 20—2016 AND 2017 DIRECTED FISHING CLOSURES[1]

[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals]

Area	Sector	Species	2016 Incidental catch allowance	2017 Incidental catch allowance
Bogoslof District	All	Pollock	500	500

TABLE 20—2016 AND 2017 DIRECTED FISHING CLOSURES [1]—Continued

[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals]

Area	Sector	Species	2016 Incidental catch allowance	2017 Incidental catch allowance
Aleutian Islands subarea	All	ICA pollock	2,400	2,400
		"Other rockfish" [2]	550	550
Eastern Aleutian District/Bering Sea	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel	1,000	1,000
Eastern Aleutian District/Bering Sea	All	Rougheye rockfish	100	100
Eastern Aleutian District	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Pacific ocean perch	200	200
Central Aleutian District	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel	75	75
		ICA Pacific ocean perch	75	75
Western Aleutian District	Non-amendment 80, CDQ and BSAI trawl limited access.	ICA Atka mackerel	40	40
		ICA Pacific ocean perch	10	10
Western and Central Aleutian Districts	All	Rougheye rockfish	200	200
Bering Sea subarea	All	Pacific ocean perch	6,800	6,760
		"Other rockfish" [2]	325	325
		ICA pollock	48,240	48,263
Bering Sea and Aleutian Islands	All	Northern rockfish	3,825	3,825
		Shortraker rockfish	200	200
		Skates	22,100	22,100
		Sculpins	3,825	3,825
		Sharks	125	125
		Squids	1,275	1,275
		Octopuses	400	400
	Hook-and-line and pot gear	ICA Pacific cod	500	500
	Non-amendment 80 and CDQ	ICA flathead sole	5,000	5,000
		ICA rock sole	6,000	6,000
	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA yellowfin sole	3,500	3,500
	BSAI trawl limited access	Rock sole/flathead sole/other flatfish—halibut mortality, red king crab Zone 1, *C. opilio* COBLZ, *C. bairdi* Zone 1 and 2.	0	0
		Turbot/arrowtooth/sablefish—halibut mortality, red king crab Zone 1, *C. opilio* COBLZ, *C. bairdi* Zone 1 and 2.	0	0
		Rockfish—red king crab Zone 1	0	0

[1] Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.
[2] "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

Closures implemented under the final 2015 and 2016 BSAI harvest specifications for groundfish (80 FR 11919, March 5, 2015) remain effective under authority of these final 2016 and 2017 harvest specifications, and are posted at the following Web sites: *http://alaskafisheries.noaa.gov/cm/info_bulletins/* and *http://alaskafisheries.noaa.gov/fisheries_reports/reports/*. While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679.

Listed AFA Catcher/Processor Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA C/Ps to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the pollock directed fishery. These restrictions are set out as "sideboard" limits on catch. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Table 21 lists the 2016 and 2017 AFA C/P sideboard limits.

All harvest of groundfish sideboard species by listed AFA C/Ps, whether as targeted catch or incidental catch, will be deducted from the sideboard limits in Table 21. However, groundfish sideboard species that are delivered to listed AFA C/Ps by CVs will not be deducted from the 2016 and 2017 sideboard limits for the listed AFA C/Ps.

TABLE 21—FINAL 2016 AND 2017 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUNDFISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area/season	1995–1997			2016 ITAC available to trawl C/Ps [1]	2016 AFA C/P sideboard limit	2017 ITAC available to trawl C/Ps1	2017 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Sablefish trawl	BS	8	497	0.016	489	8	447	7
	AI	0	145	0	331	0	302	0

TABLE 21—FINAL 2016 AND 2017 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUNDFISH SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Target species	Area/season	1995–1997			2016 ITAC available to trawl C/Ps [1]	2016 AFA C/P sideboard limit	2017 ITAC available to trawl C/Ps1	2017 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Atka mackerel	Central AI A season [2].	n/a	n/a	0.115	7,144	822	8,000	920
	Central AI B season [2].	n/a	n/a	0.115	7,144	822	8,000	920
	Western AI A season [2].	n/a	n/a	0.2	4,688	938	5,250	1,050
	Western AI B season [2].	n/a	n/a	0.2	4,688	938	5,250	1,050
Rock sole	BSAI	6,317	169,362	0.037	50,990	1,887	50,990	1,887
Greenland turbot	BS	121	17,305	0.007	2,272	16	2,272	16
	AI	23	4,987	0.005	170	1	170	1
Arrowtooth flounder	BSAI	76	33,987	0.002	11,900	24	11,900	24
Kamchatka flounder	BSAI	76	33,987	0.002	4,250	9	4,250	9
Flathead sole	BSAI	1,925	52,755	0.036	18,753	675	18,753	675
Alaska plaice	BSAI	14	9,438	0.001	12,325	12	12,325	12
Other flatfish	BSAI	3,058	52,298	0.058	2,125	123	2,125	123
Pacific ocean perch	BS	12	4,879	0.002	6,800	14	6,760	14
	Eastern AI	125	6,179	0.02	7,055	141	6,731	135
	Central AI	3	5,698	0.001	6,251	6	6,251	6
	Western AI	54	13,598	0.004	8,037	32	8,037	32
Northern rockfish	BSAI	91	13,040	0.007	3,825	27	3,825	27
Shortraker rockfish	BSAI	50	2,811	0.018	200	4	200	4
Rougheye rockfish	EBS/EAI	50	2,811	0.018	100	2	100	2
	CAI/WAI	50	2,811	0.018	200	4	200	4
Other rockfish	BS	18	621	0.029	325	9	325	9
	AI	22	806	0.027	550	15	550	15
Skates	BSAI	553	68,672	0.008	22,100	177	22,100	177
Sculpins	BSAI	553	68,672	0.008	3,825	31	3,825	31
Sharks	BSAI	553	68,672	0.008	125	1	125	1
Squids	BSAI	73	3,328	0.022	1,275	28	1,275	28
Octopuses	BSAI	553	68,672	0.008	400	3	400	3

[1] Aleutian Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, rock sole, and yellowfin sole are multiplied by the remainder of the TAC after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

[2] The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

Section 679.64(a)(2) and Tables 40 and 41 of part 679 establish a formula for calculating PSC sideboard limits for listed AFA C/Ps. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

PSC species listed in Table 22 that are caught by listed AFA C/Ps participating in any groundfish fishery other than pollock will accrue against the 2016 and 2017 PSC sideboard limits for the listed AFA C/Ps. Section 679.21(e)(3)(v) authorizes NMFS to close directed fishing for groundfish other than pollock for listed AFA C/Ps once a 2016 or 2017 PSC sideboard limit listed in Table 22 is reached.

Crab or halibut PSC caught by listed AFA C/Ps while fishing for pollock will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/''other species'' fishery categories under § 679.21(e)(3)(iv).

TABLE 22—FINAL 2016 AND 2017 BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species and area [1]	Ratio of PSC catch to total PSC	2016 and 2017 PSC available to trawl vessels after subtraction of PSQ [2]	2016 and 2017 AFA catcher/processor sideboard limit [2]
Halibut mortality BSAI	n/a	n/a	286
Red king crab zone 1	0.007	86,621	606
C. opilio (COBLZ)	0.153	4,204,524	643,292
C. bairdi Zone 1	0.14	741,190	103,767

TABLE 22—FINAL 2016 AND 2017 BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS—Continued

PSC species and area [1]	Ratio of PSC catch to total PSC	2016 and 2017 PSC available to trawl vessels after subtraction of PSQ [2]	2016 and 2017 AFA catcher/processor sideboard limit [2]
C. bairdi Zone 2	0.05	2,250,360	112,518

[1] Refer to § 679.2 for definitions of areas.
[2] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA Catcher Vessel Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the pollock directed fishery. Section 679.64(b) establishes a formula for setting AFA CV groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Tables 23 and 24 list the 2016 and 2017 AFA CV sideboard limits.

All catch of groundfish sideboard species made by non-exempt AFA CVs, whether as targeted catch or incidental catch, will be deducted from the 2016 and 2017 sideboard limits listed in Table 23.

TABLE 23—FINAL 2016 AND 2017 AMERICAN FISHERIES ACT CATCHER VESSEL BSAI GROUNDFISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Species/gear	Fishery by area/season	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2016 initial TAC [1]	2016 AFA catcher vessel sideboard limits	2017 initial TAC [1]	2017 AFA catcher vessel sideboard limits
Pacific cod/Jig gear	BSAI	0	n/a	0	n/a	0
Pacific cod/Hook-and-line CV ≥ 60 feet LOA.	BSAI Jan 1–Jun 10	0.0006	228	0	228	0
	BSAI Jun 10–Dec 31	0.0006	219	0	219	0
Pacific cod pot gear CV	BSAI Jan 1–Jun 10	0.0006	9,587	6	9,587	6
	BSAI Sept 1–Dec 31	0.0006	9,211	6	9,211	6
Pacific cod CV < 60 feet LOA using hook-and-line or pot gear.	BSAI	0.0006	4,476	3	4,476	3
Pacific cod trawl gear CV	BSAI Jan 20–Apr 1	0.8609	36,732	31,623	36,732	31,623
	BSAI Apr 1–Jun 10	0.8609	5,460	4,701	5,460	4,701
	BSAI Jun 10–Nov 1	0.8609	7,446	6,410	7,446	6,410
Sablefish trawl gear	BS	0.0906	489	44	447	40
	AI	0.0645	331	21	302	19
Atka mackerel	Eastern AI/BS Jan 1–Jun 10	0.0032	12,725	41	12,725	41
	Eastern AI/BS Jun 10–Nov 1	0.0032	12,725	41	12,725	41
	Central AI Jan 1–Jun 10	0.0001	7,144	1	7,144	1
	Central AI Jun 10–Nov 1	0.0001	7,144	1	7,144	1
	Western AI Jan 1–Jun 10	0	4,688	0	4,688	0
	Western AI Jun 10–Nov 1	0	4,688	0	4,688	0
Rock sole	BSAI	0.0341	50,990	1,739	50,990	1,739
Greenland turbot	BS	0.0645	2,272	147	2,272	147
	AI	0.0205	170	3	170	3
Arrowtooth flounder	BSAI	0.069	11,900	821	11,900	821
Kamchatka flounder	BSAI	0.069	4,250	293	4,250	293
Alaska plaice	BSAI	0.0441	12,325	544	12,325	544
Other flatfish	BSAI	0.0441	2,125	94	2,125	94
Flathead sole	BS	0.0505	18,753	947	18,753	947
Pacific ocean perch	BS	0.1	6,800	680	6,760	676
	Eastern AI	0.0077	7,055	54	6,731	52
	Central AI	0.0025	6,251	16	6,251	16
	Western AI	0	8,037	0	8,037	0
Northern rockfish	BSAI	0.0084	3,825	32	3,825	32
Shortraker rockfish	BSAI	0.0037	200	1	200	1
Rougheye rockfish	EBS/EAI	0.0037	100	0	100	0
	CAI/WAI	0.0037	200	1	200	1
Other rockfish	BS	0.0048	325	2	325	2
	AI	0.0095	550	5	550	5
Skates	BSAI	0.0541	22,100	1,196	22,100	1,196
Sculpins	BSAI	0.0541	3,825	207	3,825	207
Sharks	BSAI	0.0541	125	7	125	7
Squids	BSAI	0.3827	1,275	488	1,275	488
Octopuses	BSAI	0.0541	400	22	400	22

[1] Aleutians Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, and rock sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

Halibut and crab PSC limits listed in Table 24 that are caught by AFA CVs participating in any groundfish fishery for groundfish other than pollock will accrue against the 2016 and 2017 PSC sideboard limits for the AFA CVs. Sections 679.21(d)(7) and 679.21(e)(3)(v) authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a 2016 or 2017 PSC sideboard limit listed in Table 24 is reached. The PSC that is caught by AFA CVs while fishing for pollock in the BSAI will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/''other species'' fishery categories under § 679.21(e)(3)(iv).

TABLE 24—FINAL 2016 AND 2017 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI [1]

PSC species and area [1]	Target fishery category [2]	AFA catcher vessel PSC sideboard limit ratio	2016 and 2017 PSC limit after subtraction of PSQ reserves [3]	2016 and 2017 AFA catcher vessel PSC sideboard limit [3]
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/other flatfish [4]	n/a	n/a	228
	Greenland turbot/arrowtooth/sablefish [5]	n/a	n/a	0
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species [6]	n/a	n/a	5
Red king crab Zone 1	n/a	0.299	86,621	25,900
C. opilio COBLZ	n/a	0.168	4,204,524	706,360
C. bairdi Zone 1	n/a	0.33	741,190	244,593
C. bairdi Zone 2	n/a	0.186	2,250,360	418,567

[1] Refer to § 679.2 for definitions of areas.
[2] Target fishery categories are defined at § 679.21(e)(3)(iv).
[3] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.
[4] ''Other flatfish'' for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.
[5] Arrowtooth for PSC monitoring includes Kamchatka flounder.
[6] ''Other species'' for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.

AFA Catcher/Processor and Catcher Vessel Sideboard Directed Fishing Closures

Based on historical catch patterns, the Regional Administrator has determined that many of the AFA C/P and CV sideboard limits listed in Tables 25 and 26 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2016 and 2017 fishing years. In accordance with § 679.20(d)(1)(iv), the Regional Administrator establishes the sideboard limits listed in Tables 25 and 26 as DFAs. Because many of these DFAs will be reached before the end of 2016, the Regional Administrator has determined, in accordance with § 679.20(d)(1)(iii), that NMFS is prohibiting directed fishing by listed AFA C/Ps for the species in the specified areas set out in Table 25, and directed fishing by non-exempt AFA CVs for the species in the specified areas set out in Table 26.

TABLE 25—FINAL 2016 AND 2017 AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR SIDEBOARD DIRECTED FISHING CLOSURES [1]

[Amounts are in metric tons]

Species	Area	Gear types	2016 Sideboard limit	2017 Sideboard limit
Sablefish trawl	BS	trawl	8	7
	AI	trawl	0	0
Rock sole	BSAI	all	1,887	1,887
Greenland turbot	BS	all	17	16
	AI	all	1	1
Arrowtooth flounder	BSAI	all	24	24
Kamchatka flounder	BSAI	all	9	9
Alaska plaice	BSAI	all	12	12
Other flatfish [2]	BSAI	all	123	123
Flathead sole	BSAI	all	675	675
Pacific ocean perch	BS	all	14	14
	Eastern AI	all	141	135
	Central AI	all	6	6
	Western AI	all	32	32
Northern rockfish	BSAI	all	27	27
Shortraker rockfish	BSAI	all	4	4
Rougheye rockfish	EBS/EAI	all	2	2
	CAI/WAI	all	4	4
Other rockfish [3]	BS	all	9	9
	AI	all	15	15
Skates	BSAI	all	177	177

TABLE 25—FINAL 2016 AND 2017 AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR SIDEBOARD DIRECTED FISHING CLOSURES [1]—Continued

[Amounts are in metric tons]

Species	Area	Gear types	2016 Sideboard limit	2017 Sideboard limit
Sculpins	BSAI	all	31	31
Sharks	BSAI	all	1	1
Squids	BSAI	all	28	28
Octopuses	BSAI	all	3	3

[1] Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.
[2] "Other flatfish" includes all flatfish species, except for halibut, Alaska plaice, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.
[3] "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

TABLE 26—FINAL 2016 AND 2017 AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD DIRECTED FISHING CLOSURES [1]

[Amounts are in metric tons]

Species	Area	Gear types	2016 Sideboard limit	2017 Sideboard limit
	BSAI	hook-and-line CV ≥ 60 feet LOA.	0	0
	BSAI	pot CV ≥ 60 feet LOA.	12	12
	BSAI	hook-and-line or pot CV < 60 feet LOA.	3	3
	BSAI	jig	0	0
Sablefish	BS	trawl	44	40
	AI	trawl	21	19
Atka mackerel	Eastern AI/BS	all	82	82
	Central AI	all	2	2
	Western AI	all	0	0
Greenland turbot	BS	all	147	147
	AI	all	3	3
Arrowtooth flounder	BSAI	all	821	821
Kamchatka flounder	BSAI	all	293	293
Alaska plaice	BSAI	all	544	544
Other flatfish [2]	BSAI	all	94	94
Flathead sole	BSAI	all	947	947
Rock sole	BSAI	all	1,739	1,739
Pacific ocean perch	BS	all	680	676
	Eastern AI	all	54	52
	Central AI	all	16	16
	Western AI	all	0	0
Northern rockfish	BSAI	all	32	32
Shortraker rockfish	BSAI	all	1	1
Rougheye rockfish	BS/EAI	all	0	0
	CAI/WAI	all	1	1
Other rockfish [3]	BS	all	2	2
	AI	all	5	5
Skates	BSAI	all	1,196	1,196
Sculpins	BSAI	all	207	207
Sharks	BSAI	all	7	7
Squids	BSAI	all	488	488
Octopuses	BSAI	all	22	22

[1] Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.
[2] "Other flatfish" includes all flatfish species, except for halibut, Alaska plaice, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.
[3] "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

Response to Comments

NMFS received two letters with fourteen substantive comments during the public comment period for the proposed BSAI groundfish harvest specifications. No changes were made to the final rule in response to comment letters received. NMFS' response to the public comments on the proposed BSAI groundfish harvest specifications is provided below.

Comment 1: The allocation of the sablefish TAC between trawl gear and hook-and-line or pot gear in the Bering Sea should be revised to match the allocation percentages used to apportion the Aleutian Islands sablefish TAC. That would mean that the Bering Sea sablefish TAC would be allocated 25 percent to trawl gear and 75 percent to hook-and-line or pot gear, rather than allocating 50 percent of the Bering Sea sablefish TAC to each gear category. Doing so would decrease the adverse impacts, such as bycatch and habitat damage, that trawl gear would have in the Bering Sea sablefish fishery.

Response: The allocation of the BSAI sablefish TACs between trawl gear and hook-and-line gear or pot gear is required by regulations at § 679.20(a)(4)(iii) and (iv). Revising these allocations is outside of the scope of this action.

Comment 2: The use of trawl gear to catch sablefish in the BSAI results in the bycatch of other species and destruction of habitat.

Response: Trawl gear is a legal gear type in the BSAI for a variety of groundfish species. Pelagic and non-pelagic trawl gears are authorized under both the FMP and regulations at 50 CFR part 679. Additionally, most of the sablefish harvested in the BSAI is caught by hook-and-line or pot gear, not trawl gear. The catch reports on the Alaska Region's Web site show that from 2010 through 2015 the highest trawl catch was 18 percent of the Bering Sea trawl gear TAC compared to hook-and-line or pot gear at 63 percent of the Bering Sea hook-and-line or pot gear TAC (*see https://alaskafisheries.noaa.gov/fisheries-catch-landings*).

The Council and NMFS have taken a variety of measures to control the use of trawl gear and the impacts of trawl gear on non-target species and habitat. Examples of the former include prohibiting the use of trawl gear or certain types of trawl gear in some groundfish fisheries and requiring that the trawl sweeps of nonpelagic trawl gear be elevated a minimum distance off the sea floor (75 FR 61642, October 6, 2010). The Council and NMFS have also established a variety of restrictions and prohibitions associated with bycatch in the BSAI groundfish fisheries, including prohibitions against directing fishing for some species, as well as regulations designed to minimize the bycatch of prohibited species by trawl gear. Examples of habitat conservation measures include identifying essential fish habitat and establishing geographic area closures to trawl gear. The use of trawl gear in the BSAI groundfish fisheries is consistent with the National Standards 1 and 5 of the Magnuson-Stevens Act, which require the prevention of overfishing while achieving optimum yield from each fishery and consideration of efficiency in the use of fish resources.

Comment 3: The Council made a good start toward minimizing halibut bycatch in the BSAI groundfish fisheries by reducing halibut PSC limits through the BSAI FMP Amendment 111. However, the Council and NMFS need to take additional action to achieve further bycatch reduction to comply with Magnuson-Stevens Act requirements.

Response: The Council and NMFS are committed to minimizing halibut bycatch in the BSAI consistent with Magnuson-Stevens Act obligations to minimize bycatch to the extent practicable and to achieve, on a continuing basis, optimum yield from the groundfish fisheries. Pursuant to section 3.6.2.1.4 of the FMP, the Secretary, after consultation with the Council, considers the following information when evaluating measures to minimize halibut bycatch in the BSAI fisheries:

1. Estimated change in halibut biomass and stock condition;
2. potential impacts on halibut stocks and fisheries;
3. potential impacts on groundfish fisheries;
4. estimated bycatch mortality during prior years;
5. expected halibut bycatch mortality;
6. methods available to reduce halibut bycatch mortality;
7. the cost of reducing halibut bycatch mortality; and
8. other biological and socioeconomic factors that affect the appropriateness of a specific bycatch mortality limit in terms of FMP objectives.

Pursuant to section 3.6.2.1.4 of the FMP, annual BSAI-wide Pacific halibut bycatch mortality limits for trawl and non-trawl gear fisheries are established in regulations and may be amended by regulatory amendment. NMFS will publish regulations implementing trawl and non-trawl BSAI halibut PSC limit reductions in 2016, upon approval by the Secretary of a final rule to implement Amendment 111.

The Council and NMFS will continue to evaluate the need to implement additional measures to minimize halibut bycatch in the BSAI groundfish fisheries consistent with Magnuson-Stevens Act obligations. In evaluating the need for further halibut bycatch reduction measures, the Council and NMFS must balance, for example, National Standard 9 obligations to minimize halibut bycatch to the extent practicable with National Standard 1 obligations to achieve optimum yield from the BSAI groundfish fisheries on a continuing basis, and National Standard 8 obligations to minimize adverse economic consequences on fishing communities to the extent practicable.

Comment 4: Halibut bycatch or PSC levels differ among the various groundfish fisheries. NMFS should take into consideration halibut bycatch rates associated with the groundfish fisheries when establishing groundfish harvest limits.

Response: NMFS interprets this comment as requesting NMFS to establish TACs based on the relative rates of halibut PSC use among the groundfish fisheries and that groundfish fisheries with higher bycatch rates should receive lower TAC amounts. NMFS disagrees that setting TACs based on halibut bycatch rates would necessarily minimize halibut bycatch to the extent practicable. Annual BSAI-wide Pacific halibut bycatch mortality limits for trawl and non-trawl gear fisheries are established in regulations. Therefore, while reducing the TAC in a particular fishery may limit halibut bycatch in that target fishery, sectors have the ability to target other species and may encounter higher halibut bycatch rates in those fisheries. Thus, fishing sectors may still reach the halibut PSC limit as a result. In addition, it is important for multispecies trawl fisheries to have several options for target species to allow this sector to avoid target fisheries with high halibut bycatch rates. Setting a TAC so low that the directed fishery cannot open limits the ability of sectors to move between target fisheries to avoid high halibut bycatch rates. As described previously in this rule, NMFS will publish regulations implementing trawl and non-trawl BSAI halibut PSC limit reductions in 2016, upon approval by the Secretary of a final rule to implement Amendment 111.

Comment 5: The Council approved a TAC for arrowtooth flounder that was 600% higher than the TAC recommended by the AP. Arrowtooth flounder has the highest average halibut bycatch mortality rate of all target groundfish fisheries. Had the Council followed the AP's arrowtooth flounder TAC recommendation, the TACs could have resulted in higher overall wholesale values and optimum yield for both the groundfish and halibut fisheries.

Response: The AP's TAC recommendations were higher than the Council's for pollock (34,392 mt), yellowfin sole (6,000 mt), Pacific ocean perch (724 mt), and Atka mackerel (4,500 mt). NMFS has determined that

the Council ultimately recommended TACs that more efficiently utilized fishery resources. The Council considered halibut bycatch in the BSAI groundfish fisheries and the importance of the fishery resources to the fishing communities, while also achieving optimum yield in the groundfish fisheries within the statutory 2 million metric ton limit.

As described in response to Comment 4, a significant reduction in the arrowtooth flounder TACs would likely have little impact on minimizing halibut bycatch. Annual BSAI-wide Pacific halibut bycatch mortality limits for trawl and non-trawl gear fisheries are established in regulations. While significantly reducing the arrowtooth flounder TAC would prevent opening the directed fishery for arrowtooth flounder and would limit halibut bycatch in that fishery, such action would not necessarily minimize halibut bycatch.

For example, if a reduced arrowtooth flounder TAC prevents this directed fishery from opening, multispecies trawl sectors that typically target arrowtooth flounder have the ability to target other species. However, the multispecies trawl fishery would have fewer targeting options and a limited ability to move between target fisheries to avoid high halibut PSC in seasons and areas with higher halibut bycatch rates. Thus, the multispecies trawl sectors may still reach the halibut PSC limit notwithstanding significant reductions in the arrowtooth flounder TAC. Further, eliminating the opportunity to target arrowtooth flounder may jeopardize continued optimum yield in the groundfish fisheries because the multispecies trawl fishery may be closed early if it is unable to avoid halibut bycatch and reaches the halibut PSC limits during seasons and areas with higher halibut bycatch rates.

The Council recognized that some of the AP's TAC recommendations, including arrowtooth flounder, would not be sufficient to allow for a directed fishery or support incidental catch in other fisheries. In 2015, more than 5,000 mt of arrowtooth flounder was taken in targets other than arrowtooth flounder in the BSAI. At the AP's arrowtooth flounder TAC recommendation of 2,000 mt, all of the TAC would be taken in other fisheries, NMFS would not open directed fishing for arrowtooth, and would be required to prohibit retention of arrowtooth flounder. This would require regulatory discards of arrowtooth flounder when the TAC was reached. Despite prohibiting retention, the incidental catch of arrowtooth flounder would still exceed 2,000 mt, unless catch in the target fisheries with the highest arrowtooth flounder incidental catch (pollock, Pacific cod, and yellowfin sole) were also greatly curtailed. Curtailment of these fisheries may jeopardize continued optimum yield in the BSAI groundfish fisheries.

The Council set the arrowtooth TAC at 14,000 mt to acknowledge that arrowtooth flounder is targeted as part of the annual fishing plan for some of the fleet. Also, arrowtooth flounder is an important ecosystem component as a predator and may impact the biomass of other species. The 2014 arrowtooth flounder stock assessment indicates that nearly half of the adult diet is comprised of juvenile pollock (47%) followed by adult pollock (19%), and euphausiids (9%). The Ecosystem Considerations chapter states predation by arrowtooth flounder has exceeded cannibalism as the largest source of predation mortality of age-1 pollock since 2007.

Comment 6: At their October 2015 meeting, the Council stated that it would consider halibut bycatch in making TAC recommendations for the final 2016 and 2017 BSAI harvest specifications. However, the Council failed to consider halibut bycatch in the groundfish fisheries when it ultimately made TAC recommendations. Therefore, NMFS' acceptance of the Council's recommended TACs for the 2016 and 2017 BSAI harvest specifications would be arbitrary, capricious, and irrational.

Response: As stated in responses to Comments 4 and 5, the Council did consider halibut bycatch in various groundfish fisheries in making TAC recommendations for the final 2016 and 2017 BSAI groundfish harvest specifications. Also, the Council considered the potential effects of groundfish harvest on directed halibut fisheries and the health of the halibut resource, while also recognizing a shared responsibility to maintain the viability of halibut commercial, sport, and personal use fisheries, and the communities dependent on them. Halibut was one of many bycatch species that the Council balanced with the groundfish TACs, and the arrowtooth flounder fishery received the greatest percentage decrease of any species from the proposed harvest specifications. Also, the Council acknowledged the voluntary efforts in 2015 by the Amendment 80 sector to reduce halibut PSC.

Comment 7: The proposed groundfish harvest specifications stated that the proposed OFL, ABCs, and TACs are subject to change pending completion of the final 2015 SAFE report and the Council's recommendations for final 2016 and 2017 harvest specifications during its December Council meeting. This statement is an admission that the proposed rule is a placeholder. Therefore, the proposed groundfish harvest specifications failed to give adequate public notice and an opportunity for public comment and do not comply with the Administrative Procedure Act.

Response: The proposed 2016 and 2017 BSAI groundfish harvest specifications provided adequate notice and opportunity for the public to comment consistent with obligations under the Administrative Procedure Act. NMFS published the Council's recommended TACs from the October 2015 meeting in the proposed harvest specifications. NMFS explained in the preamble to the proposed harvest specifications that some of the final harvest specifications could differ from the proposed specifications. The preamble stated that changes to the proposed BSAI harvest specifications in the final rule would likely be based on updated scientific information included in the 2015 SAFE, Groundfish Plan Team recommendations, information from the December 2015 Scientific and Statistical Committee and Advisory Panel meetings, public testimony, and relevant written comment. The preamble to the proposed BSAI groundfish harvest specifications also stated that the Council could recommend changes to the proposed harvest specifications if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations, or if required in order to cause the sum of the TACs to fall within the OY range. Finally, the preamble stated that changes in groundfish biomass trends could affect the Council's recommended final harvest specifications, but that the groundfish harvest specifications must comply with governing statutes, regulations, and the FMP. Based on information provided in the proposed harvest specifications, interested members of the public were aware of issues involved in establishing the final harvest specification levels and therefore had adequate notice of information relevant to the final harvest specifications. The public has had the opportunity to comment on all parts of this process.

Comment 8: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with Magnuson-Stevens Act National Standard 1 obligations to achieve optimum yield. The AP's groundfish TAC recommendations would be far more responsive to the Magnuson-Stevens Act National

Standard 1 because they could have resulted in higher estimated overall wholesale values to the groundfish sector, as well as higher quotas and value in the directed halibut fishery.

Response: As mentioned in the response to Comments 4 and 5, the AP's TAC recommendations are not guaranteed to lower halibut PSC. Also, while in a single year it may be more profitable overall to shift the fisheries to pollock and Atka mackerel, this could significantly reduce revenues or force out of business those fishermen and vessels from the flatfish sector. In years of lower pollock and Atka mackerel abundance, the absence of these vessels could create far smaller groundfish catches, and on a continuing basis create harvests below the optimum yield.

Comment 9: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with Magnuson-Stevens Act National Standard 3. The groundfish and halibut stocks are clearly interrelated in the Bering Sea ecosystem, as is evident by the high bycatch rates in certain groundfish species, which disproportionately impacts the directed halibut fishermen.

Response: NMFS interprets this comment as suggesting that NMFS should manage halibut as a unit or in close coordination with the BSAI groundfish fisheries. NMFS does not directly manage halibut or halibut fisheries through the implementation of the 2016 and 2017 BSAI groundfish harvest specifications. NMFS implements the BSAI groundfish harvest specifications under the authority of the Magnuson-Stevens Act. Actions taken by the Council to manage halibut fisheries are developed under the authority of the Halibut Act, and National Standard 3 of the Magnuson-Stevens Act does not apply. Section 5.2.1 of the FMP describes that the IPHC manages the Pacific halibut stocks in its jurisdiction through regulations implementing the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773k).

Halibut is not managed under the FMP. However the Council and NMFS manage halibut bycatch limits under the FMP and believe that treatment of halibut as a prohibited species is appropriate. Under the Magnuson-Stevens Act, it is the Council's responsibility to recommend management measures that minimize halibut bycatch in the groundfish fisheries to the extent practicable. As described previously in this rule, NMFS expects to publish regulations implementing trawl and non-trawl BSAI halibut PSC limit reductions in 2016, pending Secretarial approval of a final rule to implement Amendment 111 and the effective date of the final rule.

Comment 10: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with National Standard 4 obligations to ensure allocations are fair and equitable. The AP's recommended TACs would have achieved a far more equitable allocation of the halibut resource as a whole.

Response: NMFS interprets this comment as suggesting that the BSAI groundfish harvest specifications are not consistent with National Standard 4 because lower groundfish TACs for specific fisheries would have reduced halibut bycatch in the groundfish fisheries and more fairly reallocated the unused halibut to the directed halibut fishery. NMFS disagrees. NMFS does not allocate halibut through the groundfish harvest specifications. As described in response to Comment 3, Section 3.6.2.1.4 of the FMP requires that annual BSAI-wide Pacific halibut bycatch mortality limits for trawl and non-trawl gear fisheries be established in regulations and may be amended by regulatory amendment. The halibut PSC limits are not an allocation of halibut bycatch in the groundfish fishery. Rather, the halibut PSC limits impose an absolute limit on the amount of halibut bycatch that may be caught in the trawl and non-trawl groundfish fisheries. NMFS uses the halibut PSC limits to minimize the amount of halibut bycatch in the groundfish fisheries to the extent practicable.

Further, as described in response to Comment 4, a reduction in groundfish TACs would likely have little impact on reducing halibut bycatch. For example, while significantly reducing the arrowtooth flounder TAC might limit halibut bycatch in that fishery, sectors targeting arrowtooth flounder have the ability to target other species. These sectors may still reach the halibut PSC limit notwithstanding reductions in the TACs. Therefore, the AP's recommended TACs would not likely result in reduced halibut bycatch in the groundfish fisheries or increase the availability of halibut for directed halibut users.

Comment 11: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with Magnuson-Stevens Act National Standard 5. The AP's recommended TACs optimize harvest by the groundfish sector and PSC reduction.

Response: NMFS has determined that the 2016 and 2017 groundfish harvest specifications are consistent with National Standard 5. National Standard 5 requires the conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources. The 2016 and 2017 BSAI groundfish harvest specifications establish groundfish harvest limits that result in as efficient a fishery as is practicable. The BSAI harvest specifications allow for the combined groundfish fisheries to harvest up to the statutory 2 million metric ton OY limit with the least amount of regulatory discards and economic waste as is practicable.

NMFS interprets this Comment 11 as suggesting that the AP's recommended TAC reductions for some groundfish species and increases in TACs for other groundfish species would have resulted in greater halibut PSC reduction and greater efficiency in the utilization of the BSAI groundfish and halibut fisheries. NMFS disagrees. While the AP's recommended TACs would have resulted in different distributions of gains and burdens among the various BSAI groundfish sectors, the AP's recommended TACs would not have resulted in an increase in efficiency of the groundfish and halibut fisheries. Although significant TAC reductions in some groundfish species would have allowed for increases in TACs for other groundfish species, the AP's recommended TACs would likely have increased costs for some fisheries and resulted in increased regulatory discards.

For example, if NMFS implemented the AP's arrowtooth flounder TAC recommendation, NMFS would not open directed fishing for arrowtooth and would reserve the 2,000 mt arrowtooth TAC for incidental take in other directed fisheries. Incidental take of arrowtooth in other fisheries would likely reach the 2,000 mt TAC early in the fishing season. Pursuant to § 679.20(d)(2), NMFS would require that arrowtooth flounder be treated as a prohibited species for the remainder of the year, and incidental catch arrowtooth flounder would be required to be discarded.

Further, as stated in response to Comments 4 and 5, the AP's recommended TAC reductions would not contribute to the objective of reducing halibut bycatch in the groundfish fisheries. While significant TAC reductions in particular fisheries may limit halibut bycatch in those target fisheries, sectors have the ability to target other species and may encounter higher halibut bycatch rates in those fisheries. Thus, fishing sectors may still reach the halibut PSC limit. For the forgoing reasons, NMFS has determined that the Council's recommended BSAI

groundfish TACs provide for as efficient a fishery as is practicable.

Comment 12: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with Magnuson-Stevens Act National Standard 6 obligations to take into account contingencies in the fisheries and fishery resources. The BSAI halibut fishery and dependent halibut fishermen and communities are facing an extraordinary situation with low halibut quotas that threaten their participation in the fisheries. National Standard 6 requires an FMP to be flexible and responsive to such variations. The BSAI groundfish harvest specifications do not take this contingency into account.

Response: The 2016 and 2017 BSAI groundfish harvest specifications do take this contingency into account. Some of the largest TAC reductions from the proposed rule are in the flatfish fisheries, with arrowtooth flounder having the highest percentage reduction. However, further reducing flatfish TACs could prevent flatfish fishermen from adapting to variations in their fisheries. As stated in previous responses to comments, potentially significantly reducing revenues or forcing out of business fishermen that are dependent on flatfish could jeopardize achieving optimum yield if variations in the pollock biomass produce lower available pollock TACs.

Comment 13: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with Magnuson-Stevens Act National Standard 8 obligations to take into account the importance of fishery resources to fishing communities, their sustained participation in those fisheries, and minimization of adverse impacts on such communities to the extent practicable. The sustained participation of St. Paul and other Bering Sea communities in the halibut fishery is clearly in jeopardy. The AP's recommendation demonstrated practicable allocations of groundfish TACs that would be consistent with National Standard 8 and could result in higher economic value to the groundfish sector.

Response: The 2016 and 2017 BSAI harvest specifications are consistent with National Standard 8. The impact of the BSAI groundfish fisheries, and in particular the arrowtooth flounder fishery, on halibut bycatch mortality was one of the many environmental and socioeconomic considerations that the Council evaluated in making the TAC recommendations for the 2016 and 2017 BSAI groundfish harvest specifications. In recommending the final TACs for all groundfish fisheries, the Council took into account the importance of both the halibut and groundfish fisheries to communities that depend on them. The Council evaluated the burdens groundfish fishery communities would experience from significant TAC reductions with the benefits of such TAC reductions that would flow to the communities that rely on directed halibut fisheries. NMFS determined that significant TAC reductions in some groundfish fisheries would likely adversely impact communities dependent on groundfish fisheries, potentially increase halibut PSC use, and would provide little benefit to the communities that depend on the halibut resources.

Comment 14: The 2016 and 2017 BSAI groundfish harvest specifications are not consistent with Magnuson-Stevens Act National Standard 9 obligations to minimize bycatch and to minimize mortality of such bycatch. The AP's recommended TACs showed a practicable way to minimize halibut bycatch, resulting in the potential for over 840,000 pounds of savings.

Response: The 2016 and 2017 BSAI groundfish harvest specifications are consistent with National Standard 9. As described in several previous comments, NMFS disagrees that the AP's recommended TACs would have minimized halibut bycatch. The AP's recommended TAC reductions would have resulted in increased bycatch and regulatory discards of some groundfish species, and potentially increased halibut PSC use.

For example, the AP's arrowtooth flounder TAC would have required the regulatory discard of large amounts of arrowtooth flounder and hindered the ability of some fishermen to reduce halibut bycatch. Further, the Council also considered bycatch of other prohibited species such as salmon, crab, and herring in various groundfish fisheries. The Council and NMFS are committed to minimizing bycatch in the BSAI groundfish fisheries consistent with Magnuson-Stevens Act obligations to minimize bycatch to the extent practicable and to achieve, on a continuing basis, optimum yield from the groundfish fisheries. As described in responses to previous comments, NMFS will publish regulations implementing trawl and non-trawl BSAI halibut PSC limit reductions in 2016, upon approval by the Secretary of a final rule to implement Amendment 111 and the publication of the final rule.

Classification

NMFS has determined that these final harvest specifications are consistent with the FMP and with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Orders 12866 and 13563.

NMFS prepared an EIS that covers this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the EIS. In January 2016, NMFS prepared a Supplemental Information Report (SIR) for this action. Copies of the EIS, ROD, and SIR for this action are available from NMFS (see **ADDRESSES**). The EIS analyzes the environmental consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. The EIS found no significant environmental consequences of this action and its alternatives. The SIR evaluates the need to prepare a Supplemental EIS (SEIS) for the 2016 and 2017 groundfish harvest specifications.

An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2016 and 2017 harvest specifications, which were set according to the preferred harvest strategy in the EIS, do not constitute a change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2016 and 2017 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental NEPA documentation is not necessary to implement the 2016 and 2017 harvest specifications.

Section 604 of the Regulatory Flexibility Act requires that, when an agency promulgates a final rule under section 553 of Title 5 of the United States Code, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis (FRFA).

Section 604 describes the required contents of a FRFA: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in

response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are contained at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 9, 2015 (80 FR 76425). The rule was accompanied by an initial regulatory flexibility analysis (IRFA), which was summarized in the proposed rule. The comment period closed on January 8, 2016. No comments were received on the IRFA.

The entities directly regulated by this action are those that receive allocations of groundfish in the exclusive economic zone of the BSAI, and in parallel fisheries within State of Alaska waters, during the annual harvest specifications process. These directly regulated entities include the groundfish CVs and C/Ps active in these areas. Direct allocations of groundfish are also made to certain organizations, including the CDQ groups, AFA C/P and inshore CV sectors, Aleut Corporation, and Amendment 80 cooperatives. These entities are, therefore, also considered directly regulated.

The Small Business Administration has established size standards for all major industry sectors in the United States. A business primarily involved in finfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual gross receipts not in excess of $20.5 million, for all its affiliated operations worldwide. The IRFA estimates the number of harvesting vessels that are considered small entities, but these estimates may overstate the number of small entities because (1) some vessels may also be active as tender vessels in the salmon fishery, fish in areas other than Alaska and the West Coast, or generate revenue from other non-fishing sources; and (2) all affiliations are not taken into account, especially if the vessel has affiliations not tracked in available data (*i.e.,* ownership of multiple vessel or affiliation with processors) and may be misclassified as a small entity. Because some catcher vessels and catcher/processors meet this size standard, they are considered to be small entities for the purposes of this analysis.

The estimated directly regulated small entities include approximately 190 catcher vessels, two catcher/processors, and six CDQ groups. Some of these vessels are members of AFA inshore pollock cooperatives, GOA rockfish cooperatives, or crab rationalization cooperatives, and, since under the Regulatory Flexibility Act (RFA) it is the aggregate gross receipts of all participating members of the cooperative that must meet the ''under $20.5 million'' threshold, they are considered to be large entities within the meaning of the RFA. Thus, the estimate of 190 catcher vessels may be an overstatement of the number of small entities. Average gross revenues were $446,000 for small hook-and-line vessels, $1.31 million for small pot vessels, and $2.28 million for small trawl vessels. Revenue data for catcher/processors is confidential; however, in 2014, NMFS estimates that there are two catcher/processor small entities with gross receipts less than $20.5.

This action does not modify recordkeeping or reporting requirements.

The significant alternatives were those considered as alternative harvest strategies when the Council selected its preferred harvest strategy (Alternative 2) in December 2006. These included the following:

- Alternative 1: Set TAC to produce fishing mortality rates, *F,* that are equal to *maxFABC,* unless the sum of the TAC is constrained by the OY established in the FMPs. This is equivalent to setting TAC to produce harvest levels equal to the maximum permissible ABC, as constrained by OY. The term ''*maxFABC''* refers to the maximum permissible value of *FABC* under Amendment 56 to the groundfish FMPs. Historically, the TAC has been set at or below the ABC; therefore, this alternative represents a likely upper limit for setting the TAC within the OY and ABC limits.
- Alternative 3: For species in Tiers 1, 2, and 3, set TAC to produce F equal to the most recent 5-year average actual *F.* For species in Tiers 4, 5, and 6, set TAC equal to the most recent 5-year average actual catch. For stocks with a high level of scientific information, TAC would be set to produce harvest levels equal to the most recent 5-year average actual fishing mortality rates. For stocks with insufficient scientific information, TAC would be set equal to the most recent 5-year average actual catch. This alternative recognizes that for some stocks, catches may fall well below ABC, and recent average F may provide a better indicator of actual *F* than *FABC* does.
- Alternative 4: (1) Set TAC for rockfish species in Tier 3 at F75%. Set TAC for rockfish species in Tier 5 at F=0.5M. Set spatially explicit TAC for shortraker and rougheye rockfish in the BSAI. (2) Taking the rockfish TAC as calculated above, reduce all other TAC by a proportion that does not vary across species, so that the sum of all TAC, including rockfish TAC, is equal to the lower bound of the area OY (1,400,000 mt in the BSAI). This alternative sets conservative and spatially explicit TAC for rockfish species that are long-lived and late to mature, and sets conservative TAC for the other groundfish species.
- Alternative 5: Set TAC at zero.

Alternative 2 is the preferred alternative chosen by the Council: Set TAC that fall within the range of ABC recommended through the Council harvest specifications process and TACs recommended by the Council. Under this scenario, *F* is set equal to a constant fraction of *maxFABC.* The recommended fractions of *maxFABC* may vary among species or stocks, based on other considerations unique to each. This is the method for determining TAC that has been used in the past.

Alternatives 1, 3, 4, and 5 do not meet the objectives of this action, although they have a smaller adverse economic impact on small entities than the preferred alternative. The Council rejected these alternatives as harvest strategies in 2006, and the Secretary of Commerce did so in 2007. Alternative 1 would lead to TAC limits whose sum exceeds the fishery OY, which is set out in statute and the FMP. As shown in

Table 1 and Table 2, the sum of ABCs in 2016 and 2017 would be 3,236,662 and 3,143,135 million mt, respectively. Both of these are substantially in excess of the fishery OY for the BSAI. This result would be inconsistent with the objectives of this action, in that it would violate the Consolidated Appropriations Act of 2004, Public Law 108–199, Section 803(c), and the FMP for the BSAI groundfish fishery, which both set a 2 million mt maximum harvest for BSAI groundfish.

Alternative 3 selects harvest rates based on the most recent 5 years' worth of harvest rates (for species in Tiers 1 through 3) or for the most recent 5 years' worth of harvests (for species in Tiers 4 through 6). This alternative is also inconsistent with the objectives of this action, because it does not take into account the most recent biological information for this fishery.

Alternative 4 would lead to significantly lower harvests of all species to reduce TAC from the upper end of the OY range in the BSAI, to its lower end. This result would lead to significant reductions in harvests of species by small entities. While reductions of this size could be associated with offsetting price increases, the size of these increases is very uncertain, and NMFS has no confidence that they would be sufficient to offset the volume decreases and leave revenues unchanged. Thus, this action would have an adverse economic impact on small entities, compared to the preferred alternative.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities.

Impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the EIS (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule, because delaying this rule is contrary to the public interest. Plan Team review occurred in November 2015, and Council consideration and recommendations occurred in December 2015. Accordingly, NMFS' review could not begin until after the December 2015 Council meeting, and after the public had time to comment on the proposed action. If this rule's effectiveness is delayed, fisheries that might otherwise remain open under these rules may prematurely close based on the lower TACs established in the final 2015 and 2016 harvest specifications (80 FR 11919, March 5, 2015). If implemented immediately, this rule would allow these fisheries to continue fishing without worrying about a potential closure because the new TAC limits are higher than the ones under which they are currently fishing. Certain fisheries, such as those for pollock and Pacific cod are intensive, fast-paced fisheries. Other fisheries, such as those for flatfish, rockfish, skates, sculpins, sharks, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in these fisheries. Any delay in allocating the final TAC limits in these fisheries would cause confusion in the industry and potential economic harm through unnecessary discards. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries and causing them to close at an accelerated pace.

Additionally, in fisheries subject to declining sideboards, delaying this rule's effectiveness could allow some vessels to inadvertently reach or exceed their new sideboard levels. Because sideboards are intended to protect traditional fisheries in other sectors, allowing one sector to exceed its new sideboards by delaying this rule's effectiveness would effectively reduce the available catch for sectors without sideboard limits. Moreover, the new TAC and sideboard limits protect the fisheries from being overfished. Thus, the delay is contrary to the public interest in protecting traditional fisheries and fish stocks.

If the final harvest specifications are not effective by March 19, 2016, which is the start of the 2016 Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. Delayed effectiveness of this action would result in confusion for sablefish harvesters and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2016 and 2017 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season. Also, immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly true of those species that have lower 2016 ABC and TAC limits than those established in the 2015 and 2016 harvest specifications (80 FR 11919, March 5, 2015). Immediate effectiveness also would give the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TAC limits. Therefore, NMFS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2016 and 2017 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the BSAI. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2016 and 2017 fishing years and to accomplish the goals and objectives of the FMP. This action directly affects all fishermen who participate in the BSAI fisheries. The specific amounts of OFL, ABC, TAC, and PSC are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: March 14, 2016.

Samuel D. Rauch III,

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

[FR Doc. 2016–06182 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 53
Friday, March 18, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2016–3462; Notice No. 23–16–01–SC]

Special Conditions: Cirrus Design Corporation, Model SF50; Whole Airplane Parachute Recovery System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Cirrus Design Corporation (Cirrus), model SF50 airplane. This airplane will have a novel or unusual design feature(s) associated with a whole airplane parachute recovery system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before May 2, 2016.

ADDRESSES: Send comments identified by docket number FAA–2016–3462 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Stegeman, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4140; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On September 9, 2008, Cirrus Design Corporation applied for a type certificate for their new SF50 airplane. The SF50 is a seven seat (five adults and two children), pressurized, retractable gear, carbon composite, single engine jet airplane. The airplane will have a Maximum Take-Off Weight of 6,000 pounds, a Maximum Operating Speed of 250 Knots Calibrated Airspeed (KCAS), and a Maximum Operating Altitude of 28,000 feet.

Cirrus proposes the installation of a whole airplane ballistic parachute system (BPS) called the Cirrus Airframe Parachute System (CAPS). This installation couples the BPS with the automatic flight controls. The CAPS will be installed as standard equipment on the SF50 airplane. Unlike the SR20 and SR22 airplanes CAPS, the SF50 CAPS is a supplemental system and no credit for the system will be used to meet part 23 requirements. The SF50 CAPS design will require some performance enhancements over existing technology used in other CAPSs.

The system will consist of the recovery parachute, activation and deployment systems, and autopilot functions. The SF50 CAPS will be designed for a higher gross weight, maximum activation speed, and maximum operating altitude.

Whole airplane parachute recovery systems are intended to save the lives of the occupants in life-threatening situations for which normal emergency procedures have been exhausted. Potential emergencies include, but are not limited to—loss of power or thrust; loss of airplane control; pilot disorientation; pilot incapacitation with a passenger on board; mechanical or structural failure; icing; and accidents resulting from pilot negligence or error. The recovery system should prioritize protection from most probable hazards, but it is not reasonable to expect it to protect occupants from every possible situation.

This technology, which was originally developed for ultralight and experimental aircraft, was first approved for general aviation airplanes with a Supplemental Type Certificate for the Cessna model 150/152 airplanes. The FAA issued special conditions for these airplanes to incorporate ballistic recovery systems on October 22, 1987 (Special Condition No. 23–ACE–33; Ballistic Recovery System, Inc., Modified Cessna 150/A150 Series Airplanes and 152/A152 Model Airplanes to Incorporate the GARD–150 System; Docket No. 037CE) (FR Doc. 87–26420, November 11, 1987). These special conditions were later modified

for the other general aviation airplanes (Special Condition No. 23–ACE–76; Ballistic Recovery Systems, Modified for Small General Aviation Airplanes; Docket No. 118CE) (FR Doc. 94–16233, August 5, 1994), including the Cirrus Design Corporation SR20 airplanes (Special Condition No. 23–ACE–88, Ballistic Recovery Systems Cirrus SR20 Installation, Docket No. 136CE) (FR Doc. 97–27504, October 15, 1997.

The previously FAA-approved BPS consists of a parachute packed in a compartment within the airframe. A solid propellant rocket motor, adjacent to the parachute pack, extracts the parachute. A mechanical pull handle mounted within reach of the pilot and copilot or passenger activates the system. At least two separate independent actions are necessary to activate the system.

In addition to a normal BPS, the SF50 CAPS system will incorporate an airbag to assist deployment and a system for sequencing deployment and interfacing with the airplane's avionics. The avionics interface is intended to bring the airplane within a valid deployment envelope speed (67–160 KCAS).

The SF50 CAPS is a non-required system that differs from other BPS in that it will interact with the flight control system and other airplane systems. The baseline special conditions must incorporate the required level of safety for the normal BPS as well as the aspect that interfaces with the airplane. Since it is a non required system, additional latitude exists to evaluate and substantiate the system so it will present no additional hazards.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Cirrus Design Corporation must show that the SF50 meets the applicable provisions of part 23, as amended by amendments 23–1 through 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 23) do not contain adequate or appropriate safety standards for the SF50 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the SF50 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''.

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

Novel or Unusual Design Features

The SF50 will incorporate the following novel or unusual design features: A whole-airplane parachute recovery system that is a supplemental safety system and unlike any previously approved BPS, will add enhancements that assist deployment and autopilot functions that work to bring the airplane into an acceptable deployment envelope.

Discussion

This system is a non-required system that will interact with the flight control system. These special conditions must incorporate the required level of safety for the normal ballistic parachute system as established by Special Condition 23–ACE–76 in addition to the aspect that interfaces with the airplane.

The FAA revised § 23.1309, Equipment, systems, and installations, in amendment 23–62 (76 FR 75736, December 2, 2011) to address two different types of equipment and systems installed in the airplane. This system operates at the limit of the normal operating envelope and challenges normal expectations of such a supplemental system. Amendment 23–62 preamble states: Section 23.1309 lists the qualifiers ''under the airplane operating and environmental conditions''.

Section 23.1309, amendment 23–62 preamble also describes two actions for the applicant. First, the applicant must consider the full normal operating envelope of the airplane, as defined by the Airplane Flight Manual, with any modification to that envelope associated with abnormal or emergency procedures and any anticipated flightcrew action. Second, the applicant must consider the anticipated external and internal airplane environmental conditions, as well as any additional conditions where equipment and systems are assumed to ''perform as intended''.

Section 23.1309(a)(2) requires analysis of any installed equipment or system with potential failure conditions that are catastrophic, hazardous, major, or minor, to determine their impact on the safe operation of the airplane. The applicant must show that they do not adversely affect proper functioning of the equipment, systems, or installations covered by § 23.1309 and do not otherwise adversely influence the safety of the airplane or its occupants.

Section 23.1309(a)(2) does not mandate that non-required equipment and systems function properly during all airplane operations once in service, provided all potential failure conditions have no effect on the safe operation of the airplane. The equipment or system must function in the manner expected by the manufacturer's operating manual for the equipment or system. An applicant's statement of intended function must be sufficiently detailed so the FAA can evaluate whether the system is appropriate for its intended function(s).

To incorporate the intent of amendment 23–62, the FAA proposes issuing these special conditions to include previous BPS special conditions, address the interaction CAPS with other airplane systems, and that it is a non-required system. The system must function within specified manufacturer's limits while operated within the manufacturers recommended envelope. Since it is a non-required system, the means of substantiation have been altered to reflect the bounds of the operating envelope, the means of analysis that can be substantiated with overlapping lower-level testing/analysis, and relieve in-flight deployment to avoid unnecessary expense and the inherent danger in performing this test.

All special condition requirements must meet two fundamental criteria:

- The installed system must not introduce unacceptable hazards prior to or after activation.
- The applicant must show that the system does not adversely affect proper functioning of the equipment, systems, or installations covered by § 23.1309 and do not otherwise adversely influence the safety of the airplane or its occupants.

The applicant does not have to prove or demonstrate that the system works in flight.

Applicability

As discussed above, these special conditions are applicable to the SF50. Should Cirrus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

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

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

■ Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Cirrus SF50 airplanes.

1. Whole Airplane Parachute Recovery System With Flight Control and Deployment Augmentation.

(a) System Validation.

(1) The applicant must demonstrate by test, or analysis supported by test, that the system will not cause an unacceptable hazard or otherwise exceed the system deployment design loads for the critical flight conditions.

(2) The recovery system activation envelope must include speeds at or near V_S up to at least V_o. The applicant must satisfactorily demonstrate by test, or by analysis supported by test, the logic and automatic control interface that allow the recovery system activation over this speed range.

(b) Occupant Restraint.

Each seat in the airplane must be equipped with an approved restraint system, which will protect the occupants from serious head and upper torso injuries during a recovery system deployment and ground impact at the critical load conditions.

(c) Parachute Performance.

(1) A 1.5 factor of safety applied to the limit load must be used for all components of the recovery system as well as the attachment structure, the cabin structure surrounding the occupants, and any interconnecting structure of the airplane. Limit loads are defined as the parachute deployment forces developed within the operational envelope of the system. Lower factors of safety for airplane weight and velocity may be used, so that when combined in the energy equation, represent a 1.5 factor of safety of the energy equation.

(2) Stitching must be of a type that will not ravel when broken.

(3) The applicant must show via test, or analysis supported by test, that with the recovery parachute deployed and the airplane structure damaged, the airplane impact during touchdown will result in an occupant environment in which serious injury to the occupants is improbable.

(4) The applicant must show via test, or analysis supported by test, that with the recovery parachute deployed, the airplane can impact the ground in various adverse weather conditions, including winds up to 15 knots, without endangering the airplane occupants at and after touchdown.

(d) System Function and Operations.

(1) The installation design and location of the extraction device must consider fire hazards associated with the activation of the parachute system and reduce this potential as much as possible without compromising function of the extraction device.

(2) A system safety analysis will be conducted on the recovery system that will consider the effects of annunciated and un-annunciated failures. This analysis will address both losses of function as well as malfunction (including un-commanded system activation). The applicant must show that they do not adversely affect proper functioning of the equipment, systems, or installations covered by § 23.1309, and do not otherwise adversely influence the safety of the airplane or its occupants. It must be shown that reliable and functional deployment in the adverse weather conditions that the airplane is approved for have been considered. For example, if the airplane is certified for flight in icing conditions, and flight test in icing reveals that ice may cover the deployment area, then the possible adverse effects of ice or an ice layer covering the parachute deployment area should be analyzed.

(3) The recovery system must be designed to safeguard against inadvertent activation. Two separate and intentional actions will be required to activate the system.

(4) It must be demonstrated that the system can be activated without difficulty by occupants of various sizes, from a 10th percentile female to a 90th percentile male, while sitting in the pilot or copilot seat.

(5) The system must be labeled for identification, function, and operating limitations.

(6) The airplane must be equipped with ASTM F 2316–06 conforming placards suitable to draw attention of first responders. Section 11 of ASTM F 2316–06, specifies that the airplane should be marked with a ''danger'' placard placed adjacent to the exit point of each rocket/parachute, an ''identifying'' placard attached to each rocket, and ''warning'' placard(s) applied where occupant(s) enter the airplane or where rescue personnel can readily see the placard(s).

(e) Design and Construction.

(1) All components of the system must be protected against deterioration due to weathering, corrosion, and abrasion.

(2) Adequate provisions must be made for ventilation and drainage of the system compartments and associated structure to ensure the sound condition of the system.

(f) Materials and workmanship.

(1) The suitability and durability of materials used for parts, the failure of which could adversely affect safety, must—

i. Be established by experience or tests;

ii. Meet approved specifications that ensure their having the strength and other properties assumed in the design data; and

iii. Take into account the effects of environmental conditions, such as temperature and humidity, expected in service.

(2) Workmanship must be of a high standard.

(3) The parachute(s) must be identified with a data panel that defines the Manufacturer, Date of Manufacture, Part Number, and Serial Number.

(g) Systems Maintenance and Inspection.

(1) Instructions for continued airworthiness must be prepared for the system that meet the requirements of § 23.1529.

(2) Adequate means must be provided to permit the close examination of the system components to ensure proper functioning, alignment, lubrication, and adjustment during the required inspection of the system.

(h) Operating Limitations.

(1) Operating limitations must be prescribed to ensure proper operation of the system. A detailed discussion of the system, including operation, limitations, and deployment envelope must be included in the Airplane Flight Manual.

(2) Operating limitations must be prescribed for inspecting and overhauling the system components at approved intervals.

Issued in Kansas City, Missouri, on March 10, 2016.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06072 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–2042; Directorate Identifier 2016–NE–02–AD]

RIN 2120–AA64

Airworthiness Directives; BRP-Powertrain GmbH & Co KG Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain BRP-Powertrain GmbH & Co KG Rotax 912 F2, 912 F3, 912 F4, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 reciprocating engines. This proposed AD was prompted by a design change introduced by the manufacturer that relocated the engine cylinder head temperature sensor to a different location and converted it to a coolant temperature sensor. This proposed AD would require re-identification of the engine model and concurrent modification of the aircraft to indicate the maximum coolant temperature limit. We are proposing this AD to prevent exceeding engine coolant temperature limits, which could result in loss of engine coolant, damage to the engine, and loss of control of the airplane.

DATES: We must receive comments on this proposed AD by May 17, 2016.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this NPRM, contact BRP-Powertrain GmbH & Co KG, Rotaxstrasse 1, A–4623 Gunskirchen, Austria; Internet: *http://www.FLYROTAX.com*. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2016–2042; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The 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: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–2042; Directorate Identifier 2016–NE–02–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2015–0240, dated December 18, 2015 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> A design change of the engine cylinder heads was introduced by BRP-Powertrain in March 2013 which modifies the engine/aircraft interfaces by substituting the previous cylinder head temperature (CHT) measurement (limit temperature 135 °C/150 °C) with a coolant temperature (CT) measurement (limit temperature 120 °C).
>
> The design change was communicated on 15 May 2013 by BRP-Powertrain Service Instruction (SI) 912–020R7/914–022R7 (single document) but was not identified by a change of the engine model designation or of the engine P/N but only through the cylinder head P/N and the position of the temperature sensor.
>
> Consequently, engines with the new cylinder heads (installed during production or replaced in-service during maintenance) may be installed on an aircraft without concurrent modification of that aircraft, instructions for which should be provided by the type certificate (TC) holder or the supplemental type certificate (STC) holder, as applicable. In this case, the coolant temperature with a maximum engine operating limit of 120 °C (valid for engines operated with water diluted glycol coolant) is displayed on a CHT indicator with a typical limit marking (red radial/range) of more than 120 °C.

BRP-Powertrain GmbH & Co KG introduced a design change that relocated the engine cylinder head temperature sensor from the top of the cylinder to a new location and converted it to a coolant temperature sensor. The coolant temperature maximum engine operating limit is now less than the cylinder head temperature maximum operating limit. You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–2042.

Related Service Information Under 1 CFR Part 51

BRP-Powertrain GmbH & Co KG has issued Service Bulletin (SB) SB–912–068/SB–914–049 (one document), dated April 16, 2015. The service information describes procedures for re-identification of the type plate for certain BRP-Powertrain GmbH & Co KG Rotax 912 and 914 engines. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Austria, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require re-identification of the engine model and

the concurrent modification of the aircraft to indicate maximum coolant temperature limit.

Costs of Compliance

We estimate that this proposed AD affects about 40 engines installed on aircraft of U.S. registry. We also estimate that it would take about 5 hours per engine to inspect and re-identify the type plate. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $17,000.

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 to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

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):

BRP-Powertrain GmbH & Co KG (formerly BRP-Rotax GmbH & Co KG, Bombardier-Rotax GmbH & Co. KG, and Bombardier-Rotax GmbH): Docket No. FAA–2016–2042; Directorate Identifier 2016–NE–02–AD.

(a) Comments Due Date

We must receive comments by May 17, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to BRP-Powertrain GmbH & Co KG Rotax model 912 F2, 912 F3, 912 F4, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 reciprocating engines with a cylinder head that has a part number (P/N) listed in Figure 1 to paragraph (c) of this AD and that is installed in position 2 or 3.

FIGURE 1 TO PARAGRAPH (c) OF THIS AD—POST-MODIFICATION CYLINDER HEAD P/N

Engine model	Cylinder head P/N
912 F2, 912 F3, 912 F4, 914 F2, 914 F3, and 914 F4	P/N 413235 or P/N 413236.
912 S2, 912 S3, and 912 S4	P/N 413185.

(d) Reason

This AD was prompted by a design change introduced by the manufacturer that relocated the engine cylinder head temperature sensor to a new location and converted it to a coolant temperature sensor. We are issuing this AD to prevent exceeding coolant temperature limits, which could result in loss of engine coolant, damage to the engine, and loss of control of the airplane.

(e) Actions and Compliance

Comply with this AD within 6 months after the effective date of this AD, unless already done.

(1) For engines with cylinder heads that have a P/N listed in Figure 1 to paragraph (c) of this AD installed on both position 2 and position 3, change the engine model designation on the engine type data plate to include a ''-01'' suffix. Use paragraph 3.1.1 of BRP-Powertrain Service Bulletin (SB) SB–912–068/SB–914–049, dated April 16, 2015, to make this change.

(2) For engines with only one cylinder head having a P/N listed in Figure 1 to paragraph (c) of this AD installed in position 2 or 3, do one of the following:

(i) Replace the cylinder heads having P/Ns listed in Figure 1 to paragraph (c) of this AD with a P/N 623682 cylinder head on Rotax 912 F2, 912 F3, 912 F4, 914 F2, 914 F3, and 914 F4 engines and with a P/N 623687 cylinder head on Rotax 912 S2, 912 S3, and 912 S4 engines. If you complete the actions in paragraph (e)(2)(i), no further action is required. Or,

(ii) Install eligible cylinder heads with P/Ns identified in Figure 1 to paragraph (c) of this AD on both cylinder head positions 2 and 3 and change the engine model designation of the engine type data plate in accordance with paragraph (e)(1) of this AD.

(3) For engines re-identified in accordance with paragraph (e)(1) or (e)(2)(ii) of this AD, before further flight, modify the aircraft cockpit instrumentation and related documentation to indicate a maximum coolant temperature limit of 120 degrees Celsius using FAA-approved procedures. These re-identified engines remain eligible for installation on approved aircraft-engine combinations.

(f) Alternative Methods of Compliance (AMOCs)

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

(g) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

(2) For more information about the installation modifications described in paragraph (e)(3) of this AD, contact Jim Rutherford, Aerospace Engineer, FAA, Small

Airplane Directorate, 901 Locust Ave. Room 301, Kansas City, MO; phone: 816–329–4165; fax: 816–329–4090; email: *Jim.Rutherford@faa.gov.*

(3) Refer to MCAI European Aviation Safety Agency, AD 2015–0240, dated December 18, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2016–2042.

(4) BRP-Powertrain GmbH & Co KG Service Bulletin (SB) SB–912–068/SB–914–049 (one document), dated April 16, 2015, can be obtained from BRP-Powertrain GmbH & Co KG, using the contact information in paragraph (g)(6) of this proposed AD.

(5) The following aircraft service information contains FAA-approved procedures for complying with paragraph (e)(3) of this AD and can be obtained from BRP-Powertrain GmbH & Co. KG, using the contact information in paragraph (g)(6) of this proposed AD:

FIGURE 2 TO PARAGRAPH (G) OF THIS AD—AIRCRAFT TYPE/MODEL AND SERVICE INFORMATION

Type/model(s)	SB
Aquila AT01	SB–AT01–029
TECNAM P92, P2002 and P2006T	SB–183–CS
TECNAM P2008 JC	SB–185–CS
Diamond H 36 ''Dimona'' and HK 36 ''Super Dimona''	OSB 36–111
Diamond DV 20 ''Katana''	OSB 20–066
Diamond (Canada) DA20–A1 ''Katana''	SB Da20–72–04
M&D AVO 68 ''Samburo''	TM 808–31
Scheibe SF 25 C and SF 36 R	SI_02–14

(6) For service information identified in this proposed AD, contact BRP-Powertrain GmbH & Co. KG, Rotaxstrasse 1, A–4623 Gunskirchen, Austria; phone: +43 7246 6010; fax: +43 7246 601 9130; email: *airworthiness@brp.com*; Internet: *www.rotax-aircraft-engines.com.*

(7) You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on March 11, 2016.

Colleen M. D'Alessandro,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2016–06118 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0163]

RIN 1625–AA00

Safety Zone; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone for certain waters of the Willamette River in the vicinity of Tom McCall Waterfront Park, Portland, OR. This action is necessary to provide for the safety of life on these navigable waters for the duration of the marine event on July 10, 2016. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 18, 2016.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0163 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Ken Lawrenson, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On December 22, 2015, the Human Access Project notified the Coast Guard that it will be conducting a marine event from 10 a.m. to 7 p.m. on July 10, 2016, for The Big Float. This event will be a group inner-tube float of the Willamette River in downtown Portland from the Marquam Bridge to Tom McCall Waterfront Park. The Captain of the Port Sector Columbia River (COTP) has determined that the potential hazards associated with this marine event would be a safety concern for anyone transiting between the Hawthorne Bridge and Marquam Bridge. The purpose of this rulemaking is to ensure the safety of persons, vessels, and the navigable waters before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 10 a.m. to 7 p.m. on July 7, 2016. The safety zone would cover all navigable waters within a straight line from the Hawthorne Bridge to the Marquam Bridge extending approximately 200 yards from the shore east into the Willamette River. The duration of the zone is intended to ensure the safety of event participants, vessels and these navigable waters during the event scheduled from 10 a.m. to 7 p.m.. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 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.

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic, including passenger vessels and barges, would be able to transit around this safety zone which would impact only a small designated area of the Willamette River. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone that would prohibit entry within 200 yards of the Tom McCall Waterfront Park between the Hawthorne Bridge and Marquam Bridge. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

Documents mentioned in this NPRM as being available in the docket, and all

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0163 to read as follows:

§ 165.T13–0163 Safety Zone; The Big Float, Willamette River, Portland, OR

(a) *Regulated area.* The following regulated area is a safety zone: all navigable waters of the Willamette River, in Portland, Oregon, enclosed by the Hawthorne Bridge, the Marquam Bridge, and west of a line beginning at the Hawthorne Bridge at approximate location 45°30′50″ N.; 122°40′21″ W., and running south to the Marquam Bridge at approximate location 45° 30′27″ N.; 122°40′11″ W.

(b) *Definitions.* As used in this section—

Designated representative 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 Captain of the Port Sector Columbia River in the enforcement of the regulated area.

Non-participant persons and vessels means persons and vessels that are not participating in the event and are therefore prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

(c) *Regulations.* (1) In accordance with the general regulations in 33 CFR part 165, subpart C, non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area identified in paragraph (a) of this section unless authorized by Captain of the Port Sector Columbia River or a designated representative.

(2) Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Sector Columbia River or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port Sector Columbia River or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Sector Columbia River or a designated representative.

(d) *Enforcement period.* This safety zone will be enforced for the duration of the marine event on July10, 2016.

Dated: March 10, 2016.

D.J. Travers,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2016–06113 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2015–0555; FRL–9943–72–Region 5]

Illinois: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Illinois has applied to EPA for Final Authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Illinois' application with regards to federal requirements, and is proposing to authorize the state's changes.

DATES: Comments on this proposed rule must be received on or before April 18, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–RCRA–2015–0555 by one of the following methods:

http://www.regulations.gov: Follow the on-line instructions for submitting comments.

Email: westefer.gary@epa.gov.

Mail: Gary Westefer, Illinois Regulatory Specialist, LR–8J, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Hand Delivery: Gary Westefer, LR–8J, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the normal business hours of operation; special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID Number EPA–R05–RCRA–2015–0555. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epagov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some of the information is not publicly available; *e.g.,* CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy. You may view and copy Illinois' application from 9 a.m. to 4 p.m. at the following addresses: U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois, contact: Gary Westefer

(312) 886–7450; or Illinois Environmental Protection Agency, 1021 North Grand Avenue, East, Springfield, Illinois, contact: Todd Marvel (217) 524–5024.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Illinois Regulatory Specialist, U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450, email *westefer.gary@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States which have received final authorization from EPA under RCRA Section 3006(b) of RCRA, 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and request EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279.

B. What decisions have we made in this rule?

We have made a tentative decision that Illinois' application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we propose to grant Illinois final authorization to operate its hazardous waste program with the changes described in the authorization application. Illinois will have responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Illinois, including issuing permits, until the state is granted authorization to do so.

C. What will be the effect if Illinois is authorized for these changes?

If Illinois is authorized for these changes, a facility in Illinois subject to RCRA will have to comply with the authorized state requirements instead of the corresponding federal requirements in order to comply with RCRA. Additionally, such facilities will have to comply with any applicable federal requirements such as, for example, HSWA regulations issued by the EPA for which the state has not received authorization. Illinois continues to have enforcement authorities and responsibilities under its state hazardous waste program for RCRA violations, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include among others, authority to:

1. Conduct inspections which may include but are not limited to requiring monitoring, tests, analyses and/or reports;

1. Enforce RCRA requirements which may include but are not limited to suspending, terminating, modifying and/or revoking permits; and

3. Take enforcement actions regardless of whether the state has taken its own actions.

The action to approve these revisions will not impose additional requirements on the regulated community because the regulations for which Illinois is requesting authorization are already effective under state law, and will not be changed by the act of authorization.

D. What happens if EPA receives adverse comments on this action?

If EPA receives adverse comments on this authorization, we will address all public comments in a later **Federal Register**. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What has Illinois previously been authorized for?

Illinois initially received final authorization effective January 31, 1986 (51 FR 3778, January 30, 1986) to implement the RCRA hazardous waste management program. Subsequently the EPA granted authorization for changes to the Illinois program effective March 5, 1988 (53 FR 126, January 5, 1988); April 30, 1990 (55 FR 7320, March 1, 1990); June 3, 1991 (56 FR 13595, April 3, 1991); August 15, 1994 (59 FR 30525, June 14, 1994); May 14, 1996, (61 FR 10684, March 15, 1996); and October 4, 1996 (61 FR 40520, August 5, 1996).

F. What changes are we proposing with today's action?

On October 19, 2015, Illinois submitted a final program revision application, seeking authorization of changes in accordance with 40 CFR 271.21. We have determined that Illinois' hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final Authorization. We are now proposing to authorize, subject to receipt of written comments that oppose this action, Illinois' hazardous waste program revision. We propose to grant Illinois Final Authorization for the following program changes:

Description of Federal requirement	**Federal Register** date and page	Analogous State authority
Universal Waste Rule: General Provisions, Checklist 142A.	May 11, 1995, 60 FR 25492	35 IAC 703.123; 720.101; 721.105; 722.110; 722.111; 724.101; 725.101; 728.101; 733.101; 733.103; 733.105; 733.106; 733.111; 733.112; 733.114; 733.115; 733.116; 733.117; 733.118; 733.119; 733.120; 733.131; 733.132; 733.134; 733.135; 733.136; 733.137; 733.138; 733.139; 733.140; 733.151; 733.152; 733.153; 733.154; 733.155; 733.156; 733.160; 733.161; 733.162; 733.170; Effective April 15, 1998.
Universal Waste Rule: Specific Provisions for Batteries, Checklist 142B.	May 11, 1995, 60 FR 25492	35 IAC 703.123; 720.110; 721.106; 721.109; 724.101; 725.101; 726.180; 728.101; 733.102; 733.106; 733.113(a),(b),(c); 733.114; 733.133(a),(b),(c); 733.134; Effective April 15, 1998.
Universal Waste Rule: Specific Provisions for Pesticides, Checklist 142C.	May 11, 1995, 60 FR 25492	35 IAC 703.123; 720.110; 721.109; 724.101; 725.101; 728.101; 733.101; 733.103; 733.106; 733.113(a),(b),(c); 733.114; 733.132; 733.133(a),(b),(c); 733.134; Effective April 15, 1998.

Description of Federal requirement	**Federal Register** date and page	Analogous State authority
Universal Waste Rule: Specific Provisions for Thermostats, Checklist 142D.	May 11, 1995, 60 FR 25492	35 IAC 703.123; 720.110; 721.109; 724.101; 725.101; 728.101; 733.101; 733.104; 733.106; 733.113(a),(b),(c); 733.114; 733.133(a),(b),(c); 733.134; Effective April 15, 1998.
Universal Waste Rule: Provisions for Petitions to Add a New Universal Waste, Checklist 142E.	May 11, 1995, 60 FR 25492	35 IAC 720.120; 720.123; 733.180; 733.181; Effective April 15, 1998.
RCRA Expanded Public Participation, Checklist 148.	December 11, 1995, 60 FR 63417	35 IAC 702.110; 703.183; 703.191; 703.192; 703.193; 703.220; 703.223; 703.225; 703.232; 703.248; Effective December 16,1997.
Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste, Checklist 150.	March 26, 1996, 61 FR 13103	35 IAC 721.104; Effective December 16, 1997.
Imports and Exports of Hazardous Waste, Checklist 152.	April 12, 1996, 61 FR 16290	35 IAC 721.106; 722.110; 722.153; 722.156; 722.158; 722.180; 722.181; 722.182; 722.183; 722.184; 722.185; 722.186; 722.187; 722.189; 723.110; 723.120; 724.112; 724.171; 725.112; 725.171; 726.170; 733.120; 733.140; 733.156; 733.170; Effective December 16, 1997.
Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments and Containers, Checklist, 154; as amended: Checklist 154.1; as amended: Checklist 154.2; as amended: Checklist 154.3; as amended: Checklist 154.4; as amended: Checklist 154.5; as amended: Checklist 154.6.	November 25, 1996, 61 FR 59931; November 25, 1996, 61 FR 59931; December 12, 1994, 59 FR 62896; May 19, 1995, 60 FR 26828; September 29, 1995, 60 FR 50426; November 13, 1995, 60 FR 56952; February 9, 1996, 61 FR 4903; June 5, 1996, 61 FR 28508..	35 IAC 702.181; 703.184; 703.201; 703.202; 703.203; 703.213; 720.111; 721.106; 722.134; 724.113; 724.115; 724.173; 724.177; 724.279; 724.300; 724.332; 724.701; 724.930; 724.933; 724.934; 724.935; 724.950; 724.955; 724.958; 724.964; 724.980; 724.981; 724.982; 724.983; 724.984; 724.985; 724.986; 724.987; 724.988; 724.989; 724.990; 724.991; 725.101; 725.113; 725.115; 725.173; 725.177; 725.278; 725.302; 725.331; 725.930; 725.933; 725.934; 725.935; 725.950; 725.955; 725.958; 725.964; 725.980; 725.981; 725.982; 725.983; 725.984; 725.985; 725.986; 725.987; 725.988; 725.989; 725.990; 725.991; 725 Appendix F; Effective September 28, 1998.
Land Disposal Restrictions: Phase III—Emergency Extension of the K088 Capacity Variance, Checklist 155.	January 14, 1997, 62 FR 1992	35 IAC 728.139; Effective September 28, 1998.
Land Disposal Restrictions: Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials and Miscellaneous Hazardous Waste Provisions, Checklist 157.	May 12, 1997, 62 FR 25998	35 IAC 721.104; 721.106; 728.101; 728.104; 728.107; 728.109; 728.130; 728.140; 728.142; 728.144; 728 Appendix F; 728 Appendix G; 728 Appendix H; Effective September 28, 1998.
Hazardous Waste Management System; Testing and Monitoring Activities, Checklist 158.	June 13, 1997, 62 FR 32452	35 IAC 720.111; 724.934; 724.963; 724 Appendix I; 725.934; 725.963; 726.204; 726.206; 726.207; 726 Appendix I; Effective September 28, 1998.
Land Disposal Restrictions: Phase III—Emergency Extension of the K088 National Capacity Variance, Checklist 160.	July 14, 1997, 62 FR 37694	35 IAC 728.139; Effective January 19, 1999.
Organic Air Emission Standards for Tanks, Surface Impoundments and Containers; Clarification and Technical Amendment, Checklist 163.	December 8, 1997, 62 FR 64636	35 IAC 703.183; 724.115; 724.173; 724.930; 724.933; 724.950; 724.960; 724.962; 724.964; 724.980; 724.982; 724.983; 724.984; 724.985; 724.986; 724.987; 724.989; 725.115; 725.173; 725.930; 725.933; 725.950; 725.960; 725.962; 725.964; 725.980; 725.981; 725.982; 725.983; 725.984; 725.985; 725.986; 725.987; 725.988; 725.990; 725 Appendix F; Effective January 19, 1999.
Kraft Mill Steam Stripper Exclusion, Checklist 164.	April 15, 1998, 63 FR 18504	35 IAC 721.104; Effective January 19, 1999.
Emergency Revisions of LDR Treatment Standards, Checklist 172.	September 9, 1998, 63 FR 48124	35 IAC 728.134; Effective July 26, 1999.
Land Disposal Restrictions Treatment Standards (Spent Potliners), Checklist 173.	September 24, 1998, 63 FR 51254	35 IAC 728.139; 728.140; Effective July 26, 1999.
Universal Waste Rule; Technical Amendment (Conditionally Optional), Checklist 176.	December 24, 1998, 63 FR 71225	35 IAC 726.180; 733.106; Effective July 26, 1999.
Organic Air Emission Standards, Checklist 177.	January 21, 1999, 64 FR 3381	35 IAC 722.134; 724.931; 724.980; 724.983; 724.984; 724.986; 725.980; 725.984; 725.985; 725.987; Effective January 21, 2000.
Test Procedures for the Analysis of Oil and Grease and Non-Polar Material, Checklist 180.	May 14, 1999, 64 FR 26315	35 IAC 720.111; Effective January 21, 2000.

Description of Federal requirement	Federal Register date and page	Analogous State authority
NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (MACT Rule), Checklist 182 as amended: Checklist 182.1.	September 30, 1999, 64 FR 52827, November 19, 1999, 64 FR 63209.	35 IAC 703.205; 703.208; 703.221; 703.232; 703 Appendix A; 720.110; 721.138; 724.440; 724.701; 725.440; 726.200; 726.201; 726.205; 726.212; 726 Appendix H; Effective June 20, 2000.
Waste Water Treatment Sludges from Metal Finishing Industry; 180 Day Accumulation Time, Checklist 184.	March 8, 2000, 65 FR 12378	35 IAC 722.134; Effective January 11, 2001.
Organobromine Production Wastes, Checklist 185.	March 17, 2000, 65 FR 14472	35 IAC 721.132; 721.133; 721 Appendix G; 721 Appendix H; 728.133; 728.140; 728.148; Effective January 11, 2001.
NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, Checklist 188 as amended: Second Technical Correction, Checklist 188.1 as amended: Checklist 188.2..	July 10, 2000, 65 FR 42292, May 14, 2001, 66 FR 24270, July 3, 2001, 66 FR 35087.	35 IAC 703.280; 721.138; 724.440; Effective July 9, 2001.
Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes, Checklist 189.	November 8, 2000, 65 FR 67068	35 IAC 721.132; 721 Appendix G; 721 Appendix H; 728.133; 728.140; 728.148; Effective July 9, 2001.
Deferral pf Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil, Checklist 190.	December 26, 2000, 65 FR 81373	35 IAC 728.132; 728.148; 728.149; 728 Appendix C; Effective July 9, 2001.
Storage, Treatment, Transportation and Disposal of Mixed Waste, Checklist 191.	May 16, 2001, 66 FR 27218	35 IAC 726.310; 726.320; 726.325; 726.330; 726.335; 726.340; 726.345; 726.350; 726.355; 726.360; 726.405; 726.410; 726.415; 726.420; 726.425; 726.430; 726.435; 726.440; 726.445; 726.450; 726.455; 726.460; Effective April 22, 2002.
Change of EPA Mailing Address, Additional Technical Amendments and Corrections, Checklist 193.	June 28, 2001, 66 FR 34374	35 IAC 720.111; Effective April 22, 2002.
Hazardous Air Pollutant Standards for Combustors: Interim Standards, Checklist 197.	February 13, 2002, 67 FR 6792	35 IAC 703.205; 703.208; 703.221; 703.232; 703.320; 724.440; 725.440; 726.200; Effective February 14, 2003.
Hazardous Air Pollutant Standards for Combustors; Corrections, Checklist 198.	February 14, 2002, 67 FR 6968	35 IAC 703.280; 726.200; Effective February 14, 2003.
Land Disposal Restrictions: National Treatment Variance To Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries, Checklist 201.	November 21, 2002, 67 FR 62618	35 IAC 728.140; Effective July 17, 2003.
NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors—Corrections, Checklist 202.	December 19, 2002, 67 FR 77687	35 IAC 703.205; 703.208; 703.221; 703.232; Effective July 17, 2003.
NESHAP: Surface Coating of Automobiles and Light Duty Trucks, Checklist 205.	October 26, 2004, 69 FR 22601	35 IAC 724.950; Effective February 23, 2006.
Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System, Checklist 207, as Amended: Checklist 207.1.	March 4, 2005, 70 FR 10776 June 16, 2005, 70 FR 35034.	35 IAC 720.110; 721.107; 722.120; 722.121; 722.127; 722.132; 722.133; 722.134; 722.154; 722.160; 722 Appendix 8700–22; 733.120; 733.121; 724.170; 724.171; 724.172; 724.176; 725.170; 725.171; 725.172; 725.176; Effective February 23, 2006.
Standardized Permit for RCRA Hazardous Waste Management Facilities, Checklist 210.	September 8, 2005, 70 FR 53420	35 IAC 702.101; 702.110; 702.120; 702,125; 703.125; 703.191; 703.192; 703.238; 703.260; 703.270; 703.272; 703.350; 703.351; 703.352; 703.353; 705.102; 705.128; 705.300; 705.301; 705.302; 705.303; 705.304; 720.110; 720.111; 721.107; 727.100; 727.110; 727.130; 727.150; 727.170; 727.190; 727.210; 727.240; 727.270; 727.290; 727.900; 727 Appendix A; Effective December 20, 2006.
NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II), Checklist 212.	October 12, 2005, 70 FR 59402	35 IAC 703.110; 703.189; 703.205; 703.208; 703.210; 703.211; 703.221; 703.232; 703.241; 703.280; 703.320; 703 Appendix A; 720.111; 724.440; 725.440; 726.200; Effective December 20, 2006.

G. Which revised state rules are different from the federal rules?

Illinois has not applied for the federal requirements at 40 CFR 260.21, 264.149, 264.150, 265.149, 265.150, 268.5, 268.6, 268.42(b), 268.44, and 270.3. EPA will continue to implement those requirements.

More Stringent Rules

In 35 IAC 722.122 and 722.123(a)(4), Illinois requires more manifest copies than the Federal rules. In 35 IAC 724.213(d)(3) Illinois adds requirements to the contingent corrective measures plan found in 40 CFR 264.113(e)(4)(i). In 35 IAC 722.141, 724.175 and 725.175, Illinois requires an annual report instead of the biennial report required in 40 CFR 262.22, 264.75, and 265.75.

Illinois has added 35 IAC 724.156(i) to facilitate State notification. In 35 IAC 725.245, Illinois does not allow the extension of time to submit the financial test and corporate guarantee documents to the agency as federally allowed in 40 CFR 265.145(e)(4). In 35 IAC 725.414, Illinois prohibits all liquids in landfills; the federal rules allow for exceptions in 40 CFR 265.314(f)(1) and (2). Illinois' 35 IAC Part 729 prohibits disposal of certain hazardous wastes in landfills. This part has no direct equivalent Federal part, but is a counterpart of the land ban regulations at 40 CFR part 268 and the landfill requirements at 40 CFR parts 264 and 265. In 35 IAC 728.106(e) Illinois requires at least a 90 day notice when a facility wants to make changes to unit design; EPA in 40 CFR 268.6(e) only requires a 30 day notice. In 35 IAC 703.271(e) Illinois adds some additional cases where a permit must be modified.

Broader in Scope Rules

In 35 IAC 721.103(g), Illinois does not allow the exemption allowed in the federal rules at 40 CFR 261.3(g)(4). In 35 IAC 739.146, Illinois adds subsection (a)(6) which covers special waste (35 IAC part 808). This special waste is not regulated in the RCRA subtitle C program. 35 IAC 739.146(a)(6) adds information requirements. The same requirements are also added in 35 IAC 739.156, 739.165, and 739.174.

Universal Waste Lamps Rules Not Authorized

Illinois allows Lamp Crushing under its current version of the Universal Waste Rule (35 IAC 733.105, 733.113(d), 733.133(d), and 733.134(e)), and has not applied for authorization of the Universal Waste Lamps Rule. In the future, EPA will determine whether to prohibit crushing of lamps, or decide under what conditions lamp crushing may be permitted. Until the issue is resolved, no state that allows crushing may be authorized for the Universal Waste Lamps rule and the Illinois version of the Universal Waste Lamps Rule is not part of the Illinois authorized program.

H. Who handles permits after the final authorization takes effect?

Illinois will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issues prior to the effective date of the proposed authorization until they expire or are terminated. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of the authorization. EPA will continue to implement and issue permits for HSWA requirements for which Illinois is not yet authorized.

I. How does today's action affect Indian Country (18 U.S.C. 1151) in Illinois?

Illinois is not authorized to carry out its hazardous waste program in ''Indian Country,'' as defined in 18 U.S.C. 1151. Indian Country includes:

1. All lands within the exterior boundaries of Indian Reservations within or abutting the State of Illinois;
2. Any land held in trust by the U.S. for an Indian tribe; and
3. Any other land, whether on or off an Indian reservation that qualifies as Indian Country.

Therefore, this action has no effect on Indian Country. EPA retains the authority to implement and administer the RCRA program on these lands.

J. How does proportionate share liability affect Illinois' RCRA Program

Illinois' RCRA authorities are not impacted by the proportionate share liability (PSL) provision of the Illinois Environmental Protection Act, 415 ILCS 5/58.9(a)(1). Section 58.9(a)(1) provides, in pertinent part:

''Notwithstanding any other provisions of this Act to the contrary, . . . in no event may the Agency, the State of Illinois, or any person bring an action pursuant to this Act or the Groundwater Protection Act to require any person to conduct remedial action or to seek recovery of costs for remedial activity conducted by the State of Illinois or any person beyond the remediation of releases of regulated substances that may be attributed to being proximately caused by such person's act of omission or beyond such person's proportionate degree of responsibility for costs of the remedial action of releases of regulated substances that were proximately caused or contributed to by 2 or more persons.''

Section 58.9 is part of Title XVII (Site Remediation Program) of the Illinois Environmental Protection Act. Title XVII does not apply to a particular site if '' . . . (ii) the site is a treatment, storage, or disposal site for which a permit has been issued, or that is subject to closure requirements under federal or state solid or hazardous waste laws'' (415 ILCS 5/58.1(a)(2)(ii)). Hazardous waste treatment, storage, and disposal facilities under Subtitle C of RCRA fall within the exclusion at section 58.1(a)(2)(ii). These facilities are subject to closure and post-closure care requirements under the Act (415 ILCS 5/22.17) and Illinois program rules that are identical in substance to federal rules at 40 CFR 264 (35 Ill. Adm. Code 724). The Illinois Appellate Court has held that the PSL does not apply to sites that are outside the scope of Title XVII. *People of the State of Illinois* v. *State Oil,* 822 NE. 2d 876 (Ill. App. 2004). Therefore the exclusion at Section 58.1(a)(2)(ii) renders Title XVII, including section 58.9, inapplicable to sites upon which RCRA regulated facilities are located. Based on this exclusion, and as indicated by the Illinois Attorney General in the Attorney General Statement included in the State's October 19, 2015 final program revision application, the PSL provision does not impact the adequacy of Illinois' RCRA authorities.

K. What is codification and is EPA codifying Illinois' hazardous waste program as authorized in this rule?

Codification is the process of placing the state's statutes and regulations that comprise the state's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized state rules in 40 CFR part 272. Illinois' authorized rules, up to and including those revised June 3, 1991, have previously been codified through the incorporation-by-reference effective March 31, 1992 (57 FR 3722, January 31, 1992). We reserve the amendment of 40 CFR part 272, subpart O for the codification of Illinois' program changes until a later date.

L. Statutory and Executive Order Reviews

This proposed rule only authorizes hazardous waste requirements pursuant to RCRA 3006 and imposes no requirements other than those imposed by state law (see Supplementary Information, Section A. Why are Revisions to State Programs Necessary?). Therefore, this rulemaking complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 18266: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

The Office of Management and Budget has exempted this rule from its review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821 January 21, 2011).

2. Paperwork Reduction Act

This rulemaking does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

3. Regulatory Flexibility Act

This proposed rule authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those required by state law. Accordingly, I certify that this rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

4. Unfunded Mandates Reform Act

Because this rulemaking approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

5. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) does not apply to this proposed rule because it will not have federalism implications (*i.e.,* substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government).

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000) does not apply to this proposed rule because it will not have tribal implications (*i.e.,* substantial direct effects on one or more Indian tribes, or 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).

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This proposed rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866 and because the EPA does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

8. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action as defined in Executive Order 12866.

9. National Technology Transfer Advancement Act

EPA approves state programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a state program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply to this proposed rule.

10. Executive Order 12988

As required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

11. Executive Order 12630: Evaluation of Risk and Avoidance of Unanticipated Takings

EPA has complied with Executive Order 12630 (53 FR 8859, March 18, 1988) by examining the takings implications of the rulemaking in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order.

12. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Because this rulemaking proposes authorization of pre-existing state rules and imposes no additional requirements beyond those imposed by state law and there are no anticipated significant adverse human health or environmental effects, the proposed rule is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 29, 2016.

Robert Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2016–05816 Filed 3–17–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9943–94–Region 7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Ellisville Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 7 is issuing a Notice of Intent to Delete the Callahan property, Operable Unit 3 (OU3) (Parcel ID 22U220242) of the Ellisville Superfund Site (Site) located at 210 Strecker Road in Wildwood, Missouri (E½, NW¼, SE¼, S31, T45N, R04E), from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Missouri, through the Missouri Department of Natural Resources (MDNR), have determined that all appropriate response actions at the Callahan property, OU3, under CERCLA, have been completed. However, this deletion does not preclude future actions under Superfund.

This partial deletion pertains to all media (soil and groundwater) of the Callahan property, OU3 of the Ellisville Superfund site. The Ellisville Superfund Bliss property, Operable Unit 2, and the Rosalie property, Operable Unit 1, will remain on the NPL and are not being considered for deletion as part of this action.

DATES: Comments must be received on or before April 18, 2016.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments. Once submitted, comments cannot be

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

Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the site information repositories. The locations and viewing hours of the site information repositories are:

The EPA Region 7, 11201 Renner Boulevard, Lenexa, KS open from 8 a.m. to 4 p.m. and the Daniel Boone Branch Library, 300 Clarkson Road, Ellisville, MO open from 9 a.m. to 9 p.m. Monday through Thursday, 9 a.m. to 5 p.m. Friday and Saturday, and 1 p.m. to 5 p.m. on Sunday.

FOR FURTHER INFORMATION CONTACT: Laura Price, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, email: *price.laura@epa.gov* and phone number: 913–551–7130.

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

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Partial Site Deletion

I. Introduction

EPA Region 7 announces its intent to delete the Callahan property, OU3 of the Ellisville Superfund Site, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as those sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This partial deletion of the Callahan property, OU3, is proposed in accordance with 40 CFR 300.425(e) and is consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (November 1, 1995). As described in 300.425(e)(3) of the NCP, a portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

EPA will accept comments on the proposal to partially delete this site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Callahan property, OU3 of the Ellisville Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

III. Deletion Procedures

The following procedures apply to deletion of Callahan property, OU3 of the Ellisville Site:

(1) EPA consulted with the State before developing this Notice of Intent for Partial Deletion.

(2) EPA has provided the state 30 working days for review of this notice prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA in consultation with the state, has determined that no further response is appropriate.

(4) The State of Missouri, through the Missouri Department of Natural Resources, has concurred with the deletion of the Callahan Subsite property, OU3 of the Ellisville Superfund Site, from the NPL.

(5) Concurrently, with the publication of this Notice of Intent for Partial Deletion in the **Federal Register**, a notice is being published in a major local newspaper, Eureka-Wildwood Patch. The newspaper announces the 30-day public comment period concerning the Notice of Intent for Partial Deletion of the Site from the NPL.

(6) The EPA placed copies of documents supporting the proposed partial deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

If comments are received within the 30-day comment period on this document, EPA will evaluate and respond accordingly to the comments before making a final decision to delete the Callahan property, OU3. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines, in consultation with the State, it is still appropriate to delete the Callahan property, OU3 of the Ellisville Superfund Site, the Regional Administrator will publish a final Notice of Partial Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and included in the site information repositories listed above.

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a portion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Partial Site Deletion

The following information provides EPA's rationale for deleting the Callahan

property, OU3 of the Ellisville Superfund Site from the NPL:

Site Background and History

Site Location

The Ellisville Superfund Site (Site) (EPA ID MOD980633010) is located in St. Louis County, approximately 20 miles from downtown St. Louis, Missouri. The Site is comprised of three non-contiguous operable units the Bliss property, OU2 (11.6 acres), the Callahan property, OU3 (8 acres), and the Rosalie property, OU1 (85 acres). The population of St. Louis County is 998,954 people, according to the 2010 census. The counties that surround St. Louis County are Saint Charles, Franklin, and Jefferson Counties. The area immediately around the Site is comprised of single-family detached residential dwellings. The Site is located in the watershed of Caulks Creek, a tributary of Bonhomme Creek that enters the Missouri river. The geology of the Site is underlain by unconsolidated deposits that rest on the Mississippian-aged Osagean Series limestone bedrock with solution-enlarged joints. Below the Mississippian-aged Osagean Series limestone lies the Maquoketa Formation that provides a relatively impermeable shale aquitard.

National Priorities List Designation

The Site was proposed for inclusion on the NPL on December 30, 1982 (47 FR 58476). It was listed for final inclusion *on the NPL* September 8, 1983 (48 FR 40658–40673).

Operable Units (OUs) Descriptions Not Proposed for Deletion

The Rosalie property, OU1 is an 85-acre tract of land in which four acres were contaminated. The Rosalie property, OU1 was discovered in 1980 when a sewer worker encountered buried drums during an excavation. Drummed liquid and solid wastes were disposed of in and near Caulks Creeks. The Rosalie property OU1 cleanup remedy included the excavation of drums from four locations and the removal of contaminated soil from two of these locations. The drums and contaminated soils were disposed of at an EPA approved hazardous waste facility. Over 200 drums including one and five gallon buckets of chemical wastes were removed from the property. Of the 200 drums, only 45 contained suspected hazardous waste materials. Confirmation soil samples were collected to verify the effectiveness of the cleanup and the excavated areas were backfilled with clean soil and reseeded.

The Bliss property, OU2 is located at 149 Strecker Road in the city of Wildwood, Missouri. Features on the Bliss property include a residential house, one mobile home, an enclosed horse arena with associated buildings and stables. The MDNR began investigating the site in 1980, when an informant reported illegal dumping of hazardous waste at the property. Russell Bliss owned and operated the Bliss Waste Oil Company during the 1960s and 1970s at the site. The business engaged in the transportation and disposal of waste oil products, industrial wastes, and chemical wastes. These wastes were disposed of in pits, buried in drums, and liquid wastes were dumped on the surface of the ground. Cleanup activities began February 6, 1996, and the permit for the incinerator at Times Beach was issued March 15, 1996, for the treatment of dioxin contaminated waste. Dioxin contaminated soil was removed according to the approved health-based action levels of 1 ppb at the surface and 10 ppb at a depth of 12 inches, except fill areas where the action level was 1 ppb at all depths. In the creek, the dioxin action levels were 1 ppb to 2 feet, depths greater than 2 feet were cleaned up to 10 ppb. Air monitoring and temporary containment structures were erected to ensure and prevent airborne contaminants from migrating off-site. At the end of the cleanup on the Bliss property OU2, 480 drums were removed and 252 soil confirmation samples were collected. A total of 24,478 tons of dioxin contaminated soil were excavated, removed, and incinerated at the Times Beach incinerator. Another 581 tons of non-dioxin contaminated soil were also excavated and removed to either LWD, Inc. landfill or Rollins Environmental Services landfill both Resource Conservation and Recovery Act (RCRA) permitted landfills. Groundwater investigations at the Bliss property, OU2 are ongoing.

Operational Unit Description Proposed for Deletion and Historic Activities

The Callahan property, OU3, is located at 210 Strecker Road in the city of Wildwood, Missouri. Features on the Callahan property include a small pond and barn. The small pond receives drainage from the northern portion of the parcel and is located above the former drum burial area (fill area). The terrain at the Callahan property slopes downward to the south from Strecker Road forming two drainage ways (below the fill area) that intersect at an intermittent Caulks Creek tributary near the southernmost property boundary.

In August 1980, the MDNR received an eyewitness report that drums were being buried near a barn on the Callahan property. A follow up investigation revealed a disposal area of approximately 150 feet × 150 feet. During additional investigations, several drums were unearthed and sampled. Sample results determined that the drums contained paint-related wastes and solvents. The MDNR subsequently requested assistance from the EPA to address the buried drums, and a removal action (RA) was immediately initiated. Under section 104 of CERCLA, the RA took place during December 1981 to February 1982, when 1,205 drums were removed from the disposal area. Of these 1,205 drums, 613 contained hazardous waste, which were over packed and staged in two areas on the site for off-site disposal. Approximately 500 cubic yards of excavated soil was returned to the excavated drum burial area as backfill (Tetra Tech EM Inc. 2005).

Remedial Investigation and Feasibility Study (RI/FS)

The Remedial Investigation field activities on the Callahan property, OU3 occurred in 1983 in which seven soil samples (ELL–21—ELL–25, ELL–31, ELL–32) and two surface water samples (ELL–26 and ELL–27) were collected. Soil results exceed the EPAs current residential RSLs at ELL–31 and ELL–32 for methylene chloride and oxirane. Surface water results were non-detect for contaminants of concern.

The Feasibility Study identified remedial action objectives that were to control the erosion and stabilize the fill area where drums had been excavated. In addition, the plastic cover, blocks, barbed-wire fence, the drum storage areas, and gravel from the previous response action were also to be removed and properly disposed.

Selected Remedy

On July 10, 1985, the Record of Decision for the Ellisville site was signed. The remedy selected for the Callahan property, OU3 was to control erosion and slippage of the fill area, remove the plastic cover, blocks, barbed-wire fence, drum storage areas, and gravel and properly dispose of them. The shallow groundwater beneath the Callahan property is a non-potable water bearing zone due to insufficient yield. There is no reasonably anticipated use of site groundwater and no available groundwater exposure route for receptors. The ROD did thus not require any groundwater response.

In December 1999, James Properties hired Brucker Engineering to conduct a Phase II Environmental Assessment on the Callahan property. During that investigation, five composite samples were collected and analyzed for dioxin, polychlorinated biphenyls (PCBs), pesticides, and metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver). All sample results were non-detect for contaminants of concern. A magnetic survey was also conducted during the investigation that showed no evidence of buried metal drums. A Site Removal Evaluation was conducted by the MDNR on January 31, 2005, to determine if any residual soil contamination remained at the Callahan property at concentrations that would warrant further response. A total of 29 soil and five sediment samples were collected during January 31, 2005 through February 2, 2005. All samples were analyzed for base neutral/acid extractables, pesticides/herbicides, PCBs, metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver), and dioxin. Results exceeded the EPA's current residential Regional Screening Levels (RSL's) for soil at monitoring location EU–6 for ethylbenzene, tetrachloroethene, and 1,2,4-trimethylbenzene.

The EPA conducted an expanded site review in September 2011 on the Callahan property. A total of 34 soil samples were collected. Dioxin, metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver), PCBs, SVOCs, and VOCs were analyzed on one or more samples. Results exceeded the EPA's current Residential RSL's for soil at soil borings SB–25 (lead), SB–26 (bis-(2-ethylhexyl)phthalate), SB–27 (lead), SB–44 (benzo(a)anthracene, benzo(b)fluoranthene, ethylbenzene), and ditch grab #1 (arochlor 1248). Shallow groundwater was also investigated with no detections of contaminants of concern being identified.

Time Critical Removal Action (RA)

Based on the 2011 expanded site review, on September 13, 2012, the EPA issued an Action Memorandum authorizing funding for a Time Critical Removal Action at the Callahan property, OU3. Specific actions were undertaken at the site to eliminate the threats to human health and the environment from contamination found remaining in place. These actions included the excavation, transportation, and disposal of VOCs, polycyclic aromatic hydrocarbons, and lead-contaminated waste/soils from the Site to a permitted disposal facility and restoration of the Site. The factors from the NCP that justified a removal action at the Site detailed in the Action memorandum are outlined below.

1. 300.415(b)(2)(i)—Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances, or pollutants, or contaminants.

• *The Site is located within 50 feet of a residential home that is located in a residential neighborhood. If the soils were to be brought to the surface, perhaps during a future housing development, the chances of this waste being spread across an area could expose current and future residents to these contaminants.*

2. 300.415(b)(2)(ii)—Actual or potential contamination of drinking water supplies or sensitive ecosystems;

• *The EPA placed a monitoring well in the area where the buried waste was located. Groundwater results from the monitoring well were non-detect for contaminants of concern. However, due to the karst topography, at the site, one monitoring well would not be sufficient to identify if contamination had or had not migrated to the groundwater. If the contamination had not migrated to the groundwater, given time, contaminants could have leached and migrated to groundwater. Given that the bedrock is karst, it was in the EPA's best interest to prevent contamination from entering the groundwater system.*

3. 300.415(b)(2)(v)—Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

• *Contaminated soils at the Callahan property had the potential to erode/leach from its current buried location. The contaminated soil was buried between a pond and the top of a drainage way that emptied into Caulks Creek. Caulks Creek is a major creek that runs through multiple sub-divisions in the area. It was foreseeable, since the waste was buried at shallow depths, that heavy rains could cause the hillside to become unstable releasing the buried waste into the drainage way.*

4. 300.415(b)(2)(vii)—The lack of other appropriate Federal or state response mechanisms to respond to the release.

• *No other Federal or state authorities existed that would be able to provide response actions at the Site.*

The RA was conducted during November 27, 2012, through December 6, 2012. Contaminated soil was removed by an excavator and then placed directly into dump trucks for disposal at the Milam Landfill in East St. Louis, Illinois. During the removal action, a PID photoionization detector (PID) was used for real-time air monitoring to ensure that VOCs generated during the excavation activities were below acceptable criteria levels within the immediate area surrounding the excavation pit, as well as along the site perimeter adjacent to residential properties bordering the site. A personal air sampler was also used to measure lead concentrations in the breathing zone of workers during excavation activities. Elevated levels of lead in the breathing zone were not observed during the removal action.

Excavation activities proceeded first by visual observation, once visual indicators were no longer observed, the soil was then screened using a PID for VOCs and an x-ray fluorescence (XRF) spectrometer for metals (lead in particular). At the completion of the excavation, seven confirmation soil samples and one stockpile confirmation sample (CA–SW–01, CA–EW–01, CA–EW–02, CA–WW–01, CA–WW–02, CA–NW–01, CA–NW–02, and CA–OVRSTK–01) were collected for laboratory analysis. All confirmation samples were analyzed for VOCs, SVOCs, metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver), and PCBs. Analytical results for all confirmation samples were compared to the current EPA RSLs. All results were below RSLs except those for arsenic. However, arsenic results were below the average background concentration of 10.561 ppm for St. Louis County soils (USGS 2012), and no additional cleanup was required.

The excavation of contaminated soil on the Callahan property, OU3 was completed on December 6, 2012. A total of 2,056 tons of contaminated soil and debris, including drum fragments and metal pieces, were excavated and transported to the Milam Landfill for proper disposal as non-hazardous ''special waste.'' The landfill accepted the waste based on disposal characterization sampling results (from November 2012), which had indicated that contaminated soil at the site did not contain hazardous constituents above acceptable levels or leach constituents above corresponding regulatory toxicity characteristic leaching procedure limits. The final excavated area was approximately 21 feet long on the south wall, 75 feet on the east wall, 70 feet on the north wall, and 82 feet on the west wall. The depth of the excavated area ranged from 5 to 15 feet.

Following completion of the soil excavation, the excavation was backfilled and the site restored. One grab sample of off-site backfill material

(CAL–BF–1) and one grab sample of off-site topsoil (CA–TPSL–01) were collected to confirm that the backfill material and topsoil did not contain contaminants above levels of concern. The samples were analyzed for VOCs, SVOCs, and metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver). Laboratory results demonstrated that the backfill and topsoil samples did not contain any contaminants above current EPA RSLs.

Following completion of backfilling, the site was restored in accordance with verbal agreements between the EPA and the property owner. The excavated area was completed with a swale that included rip-rap to serve as a drainage route, while the remaining portion of the site property was restored by hydro-seeding. The swale was approximately 8 feet wide by 150 feet long, and the rock used for rip-rap was 6 to 8 inch Gabien stone. Following completion of site restoration activities, the removal action was considered complete.

Cleanup Levels

The cleanup levels for the Callahan RA were the current EPAs RSLs. The process used during the RA was to excavate all visibly stained and/or odorous soils then field screen the excavation walls using an XRF and a PID. Once completed, confirmation soil samples were collected and submitted for analysis to ensure that all contaminants above RSLs had been excavated and removed from the site. Once the confirmation analytical results confirmed that levels were below RSLs, the excavated area was backfilled with clean material.

Community Involvement

The EPA has worked extensively with the Wildwood community through a variety of communication vehicles including but not limited to local speaking engagements, city council meetings, conducting public meetings, coverage on radio, television, and in local and national newspapers. The EPA also prepared letters and fact sheets that were distributed to mailing list recipients as well as hand-distributed to residences including information on the EPA Web site.

The EPA has been performing outreach to Wildwood citizens, elected officials, the media, and others since becoming involved in the project in 1980 in an effort to convey information about the hazards and activities of the Site. The EPA has participated in numerous formal and informal meetings to explain the EPA's role and commitment in Wildwood to convey information about the Superfund process and to provide general information about the site and its contamination.

Determination That the Criteria for Deletion Have Been Met

In accordance with 40 CFR 300.425(e), Region 7 of the EPA finds that the Callahan property, OU3 of the Ellisville Superfund site (the subject of this deletion) meets the substantive criteria for partial NPL deletions. Activities at the Callahan property were completed consistent with the Action Memo and the Statement of Work, and the EPA policies and procedures. The EPA analytical methods were used for all investigations, including confirmation sampling and various levels of data validation as appropriate. The QA/QC program was rigorous and in conformance with the EPA standards. The EPA has determined that all analytical results were accurate to the degree necessary to assure satisfactory execution of the investigation and removal activities. All confirmation analytical results for soil samples were compared to the current EPA RSLs. All results were below the EPA RSLs except those for arsenic; however, all arsenic results were below the average concentration of 10.561 ppm for St. Louis County soils (USGS 2012).

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Dated: February 26, 2016.

Mark Hague,

Regional Administrator, Region 7.

[FR Doc. 2016–06221 Filed 3–17–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 160120042–6042–01]

RIN 0648–BF69

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Recreational Management Measures

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

ACTION: Supplemental notice of proposed rulemaking; extension of comment period.

SUMMARY: This action corrects an error in the Gulf of Maine haddock closed season in the proposed rule to implement 2016 recreational groundfish management measures for Gulf of Maine cod and haddock. NMFS is also extending the public comment period to provide additional time for the public to submit comments on the corrected measure.

DATES: The public comment period for the proposed rule published at 81 FR 11168, March 3, 2016, is extended from March 18, 2016, to March 25, 2016. Comments must be received no later than March 25, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0011, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *http://www.regulations.gov/#!submitComment;D=NOAA-NMFS-2016-0011-0001*.
2. Click the ''Comment Now!'' icon, complete the required fields, and
3. Enter or attach your comments.

—OR—

Mail: Submit written comments to: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on groundfish recreational fishing management measures.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record

and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

In support of the proposed action, NMFS prepared a supplemental environmental assessment (EA) to Framework Adjustment 55 to the Northeast Multispecies Fishery Management Plan. The Framework 55 EA was prepared by the New England Fishery Management Council. Copies of the Framework 55 EA and supplemental EA are available from: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The Framework 55 EA and supplement are also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/.*

FOR FURTHER INFORMATION CONTACT: Mark Grant, Sector Policy Analyst, phone: 978–281–9145; email: *Mark.Grant@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Modifications to Recreational Management Measures

On March 3, 2016, NMFS published a proposed rule in the **Federal Register** (81 FR 11168) to increase recreational fishing opportunities for Gulf of Maine (GOM) cod and haddock starting May 1, 2016. The proposed changes would allow anglers to retain one cod per day during the months of August and September, and retain up to 15 haddock per day for most of the fishing year.

Need for Modification

NMFS intended to propose measures that were recommended by the New England Fishery Management Council. However, the proposed rule contained errors in the dates that GOM haddock possession would be prohibited. The New England Fishery Management Council recommended that haddock possession be prohibited in the GOM from March 1 through April 14, but NMFS inadvertently proposed a closed season from April 15 through April 30. Only the dates in the proposed rule and supplemental EA were incorrect. All of the information and analysis in the rule and supplemental EA were based on the correct dates and, therefore, are unaffected by this error. The final supplemental EA also will include the corrected dates. Table 1 in this rule summarizes the corrected proposed measures compared to the current fishing year 2015 measures.

TABLE 1—CORRECTED PROPOSED CHANGES TO GOM COD AND HADDOCK RECREATIONAL MANAGEMENT MEASURES

Stock	Current 2015 measures			Proposed 2016 measures		
	Per day possession limit (fish per angler)	Minimum fish size	Season when possession is permitted	Per day possession limit (fish per angler)	Minimum fish size	Season when possession is permitted
GOM Cod	Possession Prohibited Year-Round			1	24 inches (61.0 cm).	August 1–September 30.
GOM Haddock	3	17 inches (43.2 cm).	May 1, 2015–August 31, 2015 and November 1, 2015–February 29, 2016.	15	17 inches (43.2 cm).	Year Round Except March 1–April 14.

*The recreational cod prohibition is proposed to be rescinded in Framework 55. This action would establish the actual recreational fishing effort regulations if the prohibition is removed.

The proposed rule published March 3, 2016 (81 FR 11168), contained additional detail on the recent stock assessments and the increase to recreational catch limits for GOM cod and GOM haddock that are included in Framework Adjustment 55; the bio-economic model used to estimate 2016 recreational GOM cod and haddock mortality under various combinations of minimum sizes, possession limits, and closed seasons; and how management alternatives and the proposed measures were developed (see **ADDRESSES**). That information is not repeated here. Additional information and analyses on these alternatives is included in a supplemental Environmental Assessment (see **ADDRESSES**). Table 2 in this rule compares the estimated fishing year 2016 mortality of GOM cod and GOM haddock by the corrected management alternatives.

TABLE 2—ESTIMATED FISHING YEAR 2016 MORTALITY OF GOM COD AND HADDOCK BY CORRECTED MANAGEMENT ALTERNATIVE*

Alternative	Haddock					Cod					Angler trips
	Bag limit	Size limit (in/cm)	Open season	Total mortality (mt)	Total mortality as percent of quota	Bag limit	Size limit (in/cm)	Open season	Total mortality (mt)	Total mortality as percent of quota	
Current Recreational Measures	3	17/43.2	Waves 3, 4, 6, 1	405	44	0	n/a	Closed	66	42	117,139
2016 RAP Recommendation	15	17/43.2	All year, except March 1–April 14	709	76	1	24/61.0	Jul—Aug.	132	84	168,125
2016 Committee Recommendation ..	15	17/43.2	All year, except March 1–April 14	707	76	1	24/61.0	Sept—Oct.	114	73	167,549
2016 Council Recommendation	15	17/43.2	All year, except March 1–April 14	707–709	76	1	24/61.0	Aug—Sept.	114–132	73–84	167,549–168,125

*The model cannot split a wave of data; the numbers provided under alternative 4 are a range between alternatives 2 and 3. Council recommended Framework 55 fishing year 2016 GOM haddock recreational catch limit = 928 mt. Council recommended Framework fishing year 2016 GOM cod recreational catch limit = 157 mt.

Public Comment Extension

The public comment period for the original proposed rule ends on March 18, 2016. We provided a 15-day comment period for this rule which, coupled with extensive public comment periods at three different Council-related meetings during the development of this action, would provide sufficient opportunity for public input on the proposed measures. Because of the need to correct an error in the proposed rule, we have extended the comment period for an additional 7 days until March 25, 2016, to allow public comment on the corrected measures. These measures need to be in effect on May 1, 2016, and recreational fishing businesses and fishermen are currently scheduling fishing trips. This correction will provide them with additional information to assist their planning efforts. Because the proposed measures would increase fishing opportunities, announcing a final decision on these measures quickly will provide additional support to recreational fishing businesses.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 14, 2016.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648, as published at 81 FR 11168, March 3, 2016, is proposed to be further amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.89, revise paragraphs (c)(1)(ii), (c)(2), and (c)(8) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(c) * * *

(1) * * *

(ii) Each person on a private recreational fishing vessel, fishing from August 1 through September 30, may possess no more than one cod per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1); with the exception that each person on a private recreational vessel in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than one such cod per person up to the possession limit specified at § 648.89(c)(1)(i), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

* * * * *

(2) *Charter or party vessels.* (i) Each person on a charter/party fishing vessel permitted under this part and not fishing under a NE multispecies DAS program or on a sector trip may possess unlimited cod when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) Each person on a charter or party vessel permitted under this part, fishing from August 1 through September 30, and not fishing under the NE multispecies DAS program or on a sector trip, may possess no more than one cod per day in the GOM Regulated Mesh Area specified in § 648.80(a)(1); with the exception that each person on a charter or party vessel in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than one such cod up to any possession limit under § 648.89(c)(2)(ii), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Cod harvested by a charter or party vessel with more than one person aboard may be pooled in one or more containers. Compliance with the possession limits will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limits on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Cod must be stored so as to be readily available for inspection.

* * * * *

(8) *Haddock*—(i) *Outside the Gulf of Maine*—(A) *Private recreational vessels.* Each person on a private recreational vessel may possess unlimited haddock in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(B) *Charter or party vessels.* Each person on a charter or party fishing vessel permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, may possess unlimited haddock in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) *Gulf of Maine*—(A) *Private recreational vessels.* Each person on a private recreational vessel in possession of haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than the GOM haddock possession limit specified at § 648.89(c)(8)(ii) up to the possession limit specified at § 648.89(c)(8)(i), provided all bait and hooks are removed from fishing rods and any haddock on board has been gutted and stored.

(*1*) *May through February.* Each person on a private recreational fishing vessel, fishing from May 1 through February 28 (February 29 in leap years), may possess no more than 15 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(*2*) *March 1 through April 14.* When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard private recreational fishing vessels may not fish for or possess any haddock from March 1 through April 14.

(*3*) *April 15 through April 30.* Each person on a private recreational fishing vessel, fishing from April 15 through April 30, may possess no more than 15 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(B) *Charter or party vessels.* Each person on a charter or party fishing vessel permitted under this part, and not fishing under a NE multispecies DAS program or on a sector trip, in possession of haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than GOM haddock possession limit per person up to the possession limit specified at § 648.89(c)(8)(i), provided all bait and hooks are removed from fishing rods and any haddock on board has been gutted and stored.

(*1*) *May through February.* Each person on a charter or party fishing vessel permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, fishing from May 1 through February 28 (or 29 in leap years), may possess no more than 15 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(*2*) *March 1 through April 14.* When fishing in the GOM Regulated Mesh

Area specified in § 648.80(a)(1), persons aboard a charter or party fishing vessel permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, may not fish for or possess any haddock from March 1 through April 14.

(*3*) *April 15 through April 30.* Each person on a charter or party fishing vessel permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, fishing from April 15 through April 30, may possess no more than 15 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Haddock harvested in or from the EEZ by private recreational fishing boats or charter or party boats with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Haddock must be stored so as to be readily available for inspection.

* * * * *

[FR Doc. 2016–06179 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

RIN 0648–XC751

Endangered and Threatened Species; Identification of 14 Distinct Population Segments of the Humpback Whale (Megaptera novaeangliae) and Proposed Revision of Species-Wide Listing

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

ACTION: Proposed rule; notice of availability of monitoring plan and opening of comment period.

SUMMARY: We, NMFS, in collaboration with Federal and state partners, have drafted a monitoring plan (MP) for the distinct population segments (DPSs) of humpback whale (*Megaptera novaeangliae*) that we did not propose to list as threatened or endangered under the Endangered Species Act of 1973, as amended (ESA), in our proposed revision of the species-wide listing. This document announces the availability of the draft MP and opens a 30-day public comment period on it.

DATES: Comments must be received by April 18, 2016.

ADDRESSES: Send comments to Marta Nammack, National ESA Listing Coordinator, NMFS Headquarters. You may submit comments, identified by FDMS Docket Number NOAA–NMFS–2015–0035 by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Hand-delivery:* National ESA Listing Coordinator, Protected Resources Office, NMFS, 1315 East-West Highway, Room 13536, Silver Spring, MD 20910.
- *Mail:* NMFS, 1315 East-West Highway, Room 13536, Silver Spring, MD 20910.

All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

The draft MP, along with the proposed revision of the humpback whale species-wide listing (80 FR 22304; April 21, 2015) and the Biological Review Team's Status Review Report (Bettridge *et al.,* 2015) upon which the proposed revision relies upon can be found on the NMFS Web site at: *http://nmfs.noaa.gov/pr/.*

FOR FURTHER INFORMATION CONTACT: Marta Nammack, Office of Protected Resources, Silver Spring, MD (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2015, we published a proposal to divide the globally listed endangered humpback whale into 14 DPSs, remove the current species-level listing, and in its place list 2 DPSs as endangered and 2 DPSs as threatened. The remaining 10 DPSs were not proposed for listing because we determined that they are not threatened or endangered under the ESA.

Section 4(g)(1) of the ESA requires that NMFS: ''. . . implement a system in cooperation with the States to monitor effectively for not less than five years the status of all species which have recovered to the point at which the measures provided pursuant to this Act [the ESA] are no longer necessary and which, in accordance with the provisions of this section, have been removed from either of the lists published under subsection (c).'' General guidance for monitoring plan development is provided by recommendations jointly developed by the U.S. Fish and Wildlife Service and NMFS (USFWS and NMFS 2008). This guidance, called the ''Post-Delisting Monitoring Plan Guidance,'' clarified that: ''The primary goal of PDM is to monitor the species to ensure the status does not deteriorate, and if a substantial decline in the species . . . or an increase in threats is detected, to take measures to halt the decline so that re-proposing it as a threatened or endangered species is not needed.'' Although our determination that certain DPSs of humpback whale no longer qualify for listing is not technically a ''delisting,'' for the reasons explained in the proposed listing rule, we find that it is appropriate to monitor the status of the populations that will no longer be listed if the proposed rule is finalized. This is consistent with the intent of section 4(g)(1) of the Act. 16 U.S.C. 1533(g)(1). The Post-Delisting Monitoring Plan guidance thus guides us in our development of a monitoring plan for those humpback whale DPSs.

Pursuant to ESA section 4(g)(1), we have drafted a MP for the humpback whale DPSs that we did not propose to list as threatened or endangered.

Public Comments Solicited

We are notifying the public of the availability of a draft MP and providing the public an opportunity to submit comments on the draft MP for 30 days. The comment period shall be limited to 30 days because the statutory deadline for our final listing determination on the proposed rule is April 21, 2016, and we must finalize the MP by this date, too. We will consider all comments we receive during the comment period and incorporate suggestions, as appropriate, before finalizing the MP. Please submit

any comments to the **ADDRESSES** listed above.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: March 14, 2016.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–06116 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 81, No. 53
Friday, March 18, 2016

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AMS–FV–15–0069; FV16–981–1]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision of a currently approved information collection for Almonds Grown in California, Marketing Order No. 981.

DATES: Comments on this notice must be received by May 17, 2016.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *www.regulations.gov.* All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made available to the public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Andrew Hatch, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Room 1406–S, Washington, DC 20250–0237; Telephone: (202) 720–6862, Fax: (202) 720–8938, or Email: *andrew.hatch@ams.usda.gov.*

Small businesses may request information on this notice by contacting Antoinette Carter, Technical Assistant to the Director, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Room 1406–S, Washington, DC 20250–0237; Telephone (202) 690–3919, Fax: (202) 720–8938; or Email: *antoinette.carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Almonds Grown in California, Marketing Order No. 981.

OMB Number: 0581–0242.

Expiration Date of Approval: June 30, 2016.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601–674), to provide the respondents the type of service they request, and to administer the California almond marketing order (7 CFR part 981), which has been operating since 1950.

The marketing order and its rules and regulations authorize the Almond Board of California (Board), the agency responsible for local administration of the marketing order, to require handlers and other certain entities to submit information.

In September 2007, a mandatory program was implemented under the marketing order to help reduce the potential for Salmonella in almonds. The Board has developed forms as a means for persons to file required information with the Board relating to the treatment of almonds to reduce the potential for Salmonella. Almond handlers are required to submit annual treatment plans to the Board and inspection agency regarding how they plan to treat their almonds to reduce the potential for Salmonella. Entities interested in being almond process authorities that validate technologies are required to submit an application to the Board on ABC Form No. 51, ''Application for Process Authority for Almonds.'' Manufacturers in the United States, Canada, and Mexico interested in being approved to accept untreated almonds, provided they agree to treat the almonds themselves under the Board's Direct Verifiable (DV) program are required to submit an application to the Board on ABC Form No. 52, ''Application for Direct Verifiable (DV) Program for Further Processing of Untreated Almonds.'' Entities interested in being approved DV user auditors are required to submit an application to the Board on ABC Form No. 53, ''Application for Direct Verifiable (DV) Program Auditors.'' To ensure compliance with the mandatory program, entities are required to use either an on-site or audit-based verification program and annually submit a treatment plan to the Board on ABC Form No. 54, ''Handler Treatment Plan.''

The information collected is used only by authorized representatives of USDA, including AMS, Specialty Crops Program's regional and headquarters' staff, and authorized employees and agents of the Board. Authorized Board employees, agents, and the industry are the primary users of the information, and AMS is the secondary user.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.5 hours per response.

Respondents: Almond handlers; persons or organizations that would like to qualify to be Board-approved process authorities that validate treatments and technologies; manufacturers who would like to qualify to participate in the Board's DV program; and entities that would like to qualify as auditors under the DV program.

Estimated Number of Respondents: 175.

Estimated Number of Responses per Respondent: 1.00.

Estimated Total Annual Burden on Respondents: 4,200 hours.

Comments are invited on: (1) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information including the validity of

the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: March 15, 2016.

Elanor Starmer,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2016–06144 Filed 3–17–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Understanding the Anti-Fraud Measures of Large SNAP Retailers

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the USDA Food and Nutrition Service (FNS) invites the general public and other public agencies to comment on this proposed information collection. This is a new collection for the purpose of learning about the types of Supplemental Nutrition Assistance Program (SNAP) related fraud activity observed by large retailers and the methods they use to prevent fraud and minimize their losses. The goal of the information collection is to learn more about the types of SNAP fraud that occur in large retailer settings; document retailer practices to detect, deter, and deal with fraud (collectively known as loss prevention or loss prevention practices); and determine which practices could provide information that would help FNS in detecting and preventing SNAP fraud.

DATES: Written comments must be received by May 17, 2016.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the reporting burden on those who are asked to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Eric Sean Williams, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1014, Alexandria, VA 22312. Comments may also be submitted via fax to the attention of Eric Sean Williams at (703) 305–2576 or via email to *Eric.Williams@fns.usda.gov.*

Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of FNS during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) located at 3101 Park Center Drive, Room 1014, Alexandria, Virginia 22312.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collected should be directed to Eric Sean Williams, Office of Policy Support, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302.

SUPPLEMENTARY INFORMATION:

Title: Understanding the Anti-Fraud Measures of Large SNAP Retailers.

OMB Number: 0584—NEW.

Expiration Date: Not Yet Determined.

Abstract: FNS is responsible for authorizing retailers for participation in SNAP as well as monitoring their compliance with applicable regulations. Fraud in the context of SNAP can come from client-level program violations or retailer-level fraud. The latter, which is the focus of this study, can involve different actions such as the buying and selling of benefits or selling ineligible items like alcohol and tobacco. FNS believes that any type of fraud in SNAP weakens the program by diverting benefits from the intended purpose of helping low-income Americans purchase food and undermining the public confidence in the program. Thus, the Agency continually seeks new ways to detect and prevent fraud.

Research has consistently demonstrated that fraud rates are lowest among large retailers. There are several theories for why this may be true, one of which is that large regional or national retail chains of stores have sophisticated loss prevention systems that prevent or detect numerous types of fraud. Thus, a loss prevention system built to discover an employee engaging in credit card fraud could easily be modified to detect an employee engaging in SNAP benefit fraud. Similarly, a system built to prevent internal theft may be able to detect the sale of ineligible items.

Despite theories as to why large stores have low SNAP fraud rates, there is limited understanding of how they prevent SNAP fraud. If internal loss prevention systems prevent SNAP fraud, then it is possible that a better understanding of large store procedures could help FNS refine its procedures for detecting and reducing retailer-level fraud. Thus, FNS desires to understand more about the steps large retailers take to protect themselves from fraud in general and SNAP fraud specifically.

The information collection activities to be undertaken subject to this notice include: Survey of Companies that own/franchise large SNAP authorized retail chains: Surveys will be administered to company SNAP representatives in companies that own, franchise and/or have cooperative agreements with the largest chains of SNAP-authorized stores. These include super store chains, large supermarket chains, convenience store chains, and other chain stores that sell a combination of food and other products, such as household products, pharmaceuticals, or gasoline. The surveys will address the loss prevention systems used by these companies.

Survey of SNAP Authorized Stores owned/franchised/affiliated with large retail chains: Surveys will be administered to managers of super stores, large supermarkets, convenience stores and other chain stores that sell a combination of food and other products. The surveys will address fraud detection and prevention policies and practices.

This study does not seek to represent all SNAP retailers. It targets the practices of one segment of the SNAP authorized retailer population—the largest retail chains. These chains are likely to have the most sophisticated loss prevention systems. Therefore, the study includes the large national and regional chain retailers responsible for transacting about half of all SNAP redemptions. A total of the 35 largest retail corporations and a sample of 2,000 of their store outlets are expected to respond to surveys.

Company SNAP representatives and store managers will be asked questions regarding organizational structure, roles and responsibilities, and tactics used to limit or eliminate fraud in general and SNAP fraud in particular. At a minimum the following fraud abatement methods will be studied at the corporate and store levels: Point of sale systems, analytics, training, surveillance, investigation, and liaison with law enforcement. The surveys will be administered using a web-based survey tool.

Companies and SNAP authorized stores that do not respond to the web-based surveys will receive internet reminders. Those that still do not respond will receive a telephone call through a Computer Aided Telephone Interviewing (CATI) system where trained interviewers will prompt the participant to respond to the survey online or to complete the survey by telephone via CATI.

Affected Public: Businesses-for-and-not-for-profit (4,054):

A total of 45 large companies with stores participating in SNAP, and 4,000 SNAP authorized company owned and operate stores, franchised stores or affiliated stores and 5 pretest companies.

Estimated Number of Respondents: 4,054.

Estimated Number of Responses per Respondent: 2.4430.

Estimated Number of Annual Responses: 9,904.

Estimated Time per Response: 0.11378.

Pretesting the company surveys will take a total of 10 hours (four 2.5-hour interviews), and pretesting the store surveys will take 5 hours (five 1-hour interviews).

FNS plans to contact 45 companies. We anticipate the SNAP representative at 35 companies will respond and spend 1.65 hours identifying key informants and compiling information from various organizational units involved in SNAP. They are likely to include human resources (for training), loss prevention (for loss prevention management and loss prevention procedures used), point of sale management and analytics. The company SNAP representative will spend between .25 (web-based response) to .33 (CATI survey response) hours completing the survey, including time to report on SNAP-specific activities and policies carried out by the SNAP representative and information compiled from other units involved in SNAP. Managers of 2,000 stores will spend an average of .4 hours each to respond to the Store Manager Survey.

Estimated Total Annual Burden on Respondents: 1,126.9 hours.

See the burden table below for estimated total burden for each type of business respondent and non-respondents.

Affected Public	Respondent (Appendix)	Sample Size	Estimated Sample Size and Response Burden										
			Responses					Non-Responses					Grand Total
			Est. # of Respondents	Est. Frequency of Responses	Est. Total Annual Responses	Hours per Response	Est. Total Burden Hours (Respondents)	Est. # of Non-Respondents	Est. Frequency of Non Responses	Est. Total Annual Non-Response	Hours per Non Response	Est. Burden Hours (Non-Respondents)	Est. Grand Total Burden Hours
Profit/Nonprofit Businesses: Retailers—large food retail chains	Company-Pretest	4	4	1	4	2.5	10.00	0	1	0	0	0	10.00
	Company-Invitation Email	45	35	1	35	0.06	2.10	10	1	10	0.02	0.2	2.30
	Company-Reminder Email	40	30	1	30	0.03	0.90	10	1	10	0.01	0.1	1.00
	Company-Reminder Telephone Call	30	20	1	20	0.06	1.20	10	1	10	0.01	0.1	1.30
	Company-Compile Information on Organization and Mgmt.	35	35	1	35	0.5	17.50	0	1	0	0	0	17.50
	Company-Compile Information on Training	35	35	1	35	0.2	7.00	0	1	0	0	0	7.00
	Company-Compile Information on Surveillance Systems	35	35	1	35	0.15	5.25	0	1	0	0	0	5.25
	Company-Compile Information on Investigation	35	35	1	35	0.15	5.25	0	1	0	0	0	5.25
	Company-Compile Information on Liaison with Law Enforcement	35	35	1	35	0.15	5.25	0	1	0	0	0	5.25
	Company- Compile Information on Point of Sale Systems	35	35	1	35	0.25	8.75	0	1	0	0	0	8.75
	Company-Compile Information on Analytics	35	35	1	35	0.25	8.75	0	1	0	0	0	8.75
	Company-Input Data via Web-based Survey	25	25	1	25	0.25	6.25	0	1	0	0	0	6.25
	Company-Respond via Computer-Assisted Telephone Interview Survey	10	10	1	10	0.33	3.30	0	1	0	0	0	3.30
	Store-Pretest	5	5	1	5	1	5.00	0	1	0	0	0	5.00
	Store-Invitation Email	4000	2000	1	2000	0.06	120.00	2000	1	2000	0.02	40	160.00
	Store-Reminder Email	2500	1000	1	1000	0.03	30.00	1500	1	1500	0.01	15	45.00
	Store-Reminder Telephone Call	1000	500	1	500	0.06	30.00	500	1	500	0.01	5	35.00
	Store-Respond via Web-based Survey	1500	1500	1	1500	0.4	600.00	0	1	0	0	0	600.00
	Store-Respond via Computer-Assisted Telephone Interview	500	500	1	500	0.4	200.00	0	1	0	0	0	200.00
Total		4054	2044	2.8738	5629	0.1895	1066.50	2010	2.005	4030	0.015	60.4	1126.90

Dated: March 8, 2016.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2016–05896 Filed 3–17–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): 2016/2017 Income Eligibility Guidelines

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (''Department'') announces adjusted income eligibility guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants and Children Program (WIC). These income eligibility guidelines are to be used in conjunction with the WIC Regulations.

DATES: Effective date July 1, 2016.

FOR FURTHER INFORMATION CONTACT: Kurtria Watson, Chief, Policy Branch, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 605–4387.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This notice is exempt from review by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act of 1995

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29100, June 24, 1983, and 49 FR 22675, May 31, 1984).

Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786(d)(2)(A)), requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be income-eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)). Under section 9(b), the income limit for reduced-price school meals is 185 percent of the Federal poverty guidelines, as adjusted.

Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 2016/2017 was published by the Department of Health and Human Services (HHS) at 81 FR 4036, January 25, 2016. The guidelines published by HHS are referred to as the ''poverty guidelines.''

Section 246.7(d)(1) of the WIC regulations (Title 7, Code of Federal Regulations) specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under section 9 of the Richard B. Russell National School Lunch Act for reduced-price school meals, or identical to State or local guidelines for free or reduced-price health care. However, in conforming WIC income guidelines to State or local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines for reduced-price school meals, or which are less than 100 percent of the Federal poverty guidelines. Consistent with the method used to compute income eligibility guidelines for reduced-price meals under the National School Lunch Program, the poverty guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time, the Department is publishing the maximum and minimum WIC income eligibility guidelines by household size for the period of July 1, 2016 through June 30, 2017. Consistent with section 17(f)(17) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786(f)(17)), a State agency may implement the revised WIC income eligibility guidelines concurrently with the implementation of income eligibility guidelines under the Medicaid Program established under Title XIX of the Social Security Act (42 U.S.C. 1396, *et seq.*). State agencies may coordinate implementation with the revised Medicaid guidelines, *i.e.,* earlier in the year, but in no case may implementation take place later than July 1, 2016. State agencies that do not coordinate implementation with the revised Medicaid guidelines must implement the WIC income eligibility guidelines on or before July 1, 2016.

INCOME ELIGIBILITY GUIDELINES (Effective from July 1, 2016 to June 30, 2017)										
Household Size	Federal Poverty Guidelines- 100%					Reduced Price Meals - 185%				
	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly
48 Contiguous States, D.C., Guam and Territories										
1	$11,880	$990	$495	$457	$229	$21,978	$1,832	$916	$846	$423
2	16,020	1,335	668	617	309	29,637	2,470	1,235	1,140	570
3	20,160	1,680	840	776	388	37,296	3,108	1,554	1,435	718
4	24,300	2,025	1,013	935	468	44,955	3,747	1,874	1,730	865
5	28,440	2,370	1,185	1,094	547	52,614	4,385	2,193	2,024	1,012
6	32,580	2,715	1,358	1,254	627	60,273	5,023	2,512	2,319	1,160
7	36,730	3,061	1,531	1,413	707	67,951	5,663	2,832	2,614	1,307
8	40,890	3,408	1,704	1,573	787	75,647	6,304	3,152	2,910	1,455
Each add'l family member add	+ $4,160	+ $347	+ $174	+ $160	+ $80	+ $7,696	+ $642	+ $321	+ $296	+ $148
Alaska										
1	$14,840	$1,237	$619	$571	$286	$27,454	$2,288	$1,144	$1,056	$528
2	20,020	1,669	835	770	385	37,037	3,087	1,544	1,425	713
3	25,200	2,100	1,050	970	485	46,620	3,885	1,943	1,794	897
4	30,380	2,532	1,266	1,169	585	56,203	4,684	2,342	2,162	1,081
5	35,560	2,964	1,482	1,368	684	65,786	5,483	2,742	2,531	1,266
6	40,740	3,395	1,698	1,567	784	75,369	6,281	3,141	2,899	1,450
7	45,920	3,827	1,914	1,767	884	84,952	7,080	3,540	3,268	1,634
8	51,120	4,260	2,130	1,967	984	94,572	7,881	3,941	3,638	1,819
Each add'l family member add	+ $5,200	+ $434	+ $217	+ $200	+ $100	+ $9,620	+ $802	+ $401	+ $370	+ $185
Hawaii										
1	$13,670	$1,140	$570	$526	$263	$25,290	$2,108	$1,054	$973	$487
2	18,430	1,536	768	709	355	34,096	2,842	1,421	1,312	656
3	23,190	1,933	967	892	446	42,902	3,576	1,788	1,651	826
4	27,950	2,330	1,165	1,075	538	51,708	4,309	2,155	1,989	995
5	32,710	2,726	1,363	1,259	630	60,514	5,043	2,522	2,328	1,164
6	37,470	3,123	1,562	1,442	721	69,320	5,777	2,889	2,667	1,334
7	42,230	3,520	1,760	1,625	813	78,126	6,511	3,256	3,005	1,503
8	47,010	3,918	1,959	1,809	905	86,969	7,248	3,624	3,345	1,673
Each add'l family member add	+ $4,780	+ $399	+ $200	+ $184	+ $92	+ $8,843	+ $737	+ $369	+ $341	+ $171

INCOME ELIGIBILITY GUIDELINES										
Supplemental Chart for Family Sizes Greater Than Eight										
(Effective from July 1, 2016 to June 30, 2017)										
Household Size	Federal Poverty Guidelines- 100%					Reduced Price Meals - 185%				
	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly
	48 Contiguous States, D.C., Guam and Territories									
9	$45,050	$3,755	$1,878	$1,733	$867	$83,343	$6,946	$3,473	$3,206	$1,603
10	49,210	4,101	2,051	1,893	947	91,039	7,587	3,794	3,502	1,751
11	53,370	4,448	2,224	2,053	1,027	98,735	8,228	4,114	3,798	1,899
12	57,530	4,795	2,398	2,213	1,107	106,431	8,870	4,435	4,094	2,047
13	61,690	5,141	2,571	2,373	1,187	114,127	9,511	4,756	4,390	2,195
14	65,850	5,488	2,744	2,533	1,267	121,823	10,152	5,076	4,686	2,343
15	70,010	5,835	2,918	2,693	1,347	129,519	10,794	5,397	4,982	2,491
16	74,170	6,181	3,091	2,853	1,427	137,215	11,435	5,718	5,278	2,639
Each add'l family member add	+ $4,160	+ $347	+ $174	+ $160	+ $80	+ $7,696	+ $642	+ $321	+ $296	+ $148
	Alaska									
9	$56,320	$4,694	$2,347	$2,167	$1,084	$104,192	$8,683	$4,342	$4,008	$2,004
10	61,520	5,127	2,564	2,367	1,184	113,812	9,485	4,743	4,378	2,189
11	66,720	5,560	2,780	2,567	1,284	123,432	10,286	5,143	4,748	2,374
12	71,920	5,994	2,997	2,767	1,384	133,052	11,088	5,544	5,118	2,559
13	77,120	6,427	3,214	2,967	1,484	142,672	11,890	5,945	5,488	2,744
14	82,320	6,860	3,430	3,167	1,584	152,292	12,691	6,346	5,858	2,929
15	87,520	7,294	3,647	3,367	1,684	161,912	13,493	6,747	6,228	3,114
16	92,720	7,727	3,864	3,567	1,784	171,532	14,295	7,148	6,598	3,299
Each add'l family member add	+ $5,200	+ $434	+ $217	+ $200	+ $100	+ $9,620	+ $802	+ $401	+ $370	+ $185
	Hawaii									
9	$51,790	$4,316	$2,158	$1,992	$996	$95,812	$7,985	$3,993	$3,686	$1,843
10	56,570	4,715	2,358	2,176	1,088	104,655	8,722	4,361	4,026	2,013
11	61,350	5,113	2,557	2,360	1,180	113,498	9,459	4,730	4,366	2,183
12	66,130	5,511	2,756	2,544	1,272	122,341	10,196	5,098	4,706	2,353
13	70,910	5,910	2,955	2,728	1,364	131,184	10,932	5,466	5,046	2,523
14	75,690	6,308	3,154	2,912	1,456	140,027	11,669	5,835	5,386	2,693
15	80,470	6,706	3,353	3,095	1,548	148,870	12,406	6,203	5,726	2,863
16	85,250	7,105	3,553	3,279	1,640	157,713	13,143	6,572	6,066	3,033
Each add'l family member add	+ $4,780	+ $399	+ $200	+ $184	+ $92	+ $8,843	+ $737	+ $369	+ $341	+ $171

The first table of this Notice contains the income limits by household size for the 48 contiguous States, the District of Columbia, and all United States Territories, including Guam. Separate tables for Alaska and Hawaii have been

included for the convenience of the State agencies because the poverty guidelines for Alaska and Hawaii are higher than for the 48 contiguous States.

Authority: 42 U.S.C. 1786.

Dated: March 14, 2016.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2016–06222 Filed 3–17–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers for Publication of Legal Notices in the Northern Region

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Forests, Grasslands, and the Regional Office of the Northern Region to publish legal notices for public comment and decisions subject to predecisional administrative review under 36 CFR parts 218 and 219. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices for public comment or decisions; thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the objection processes.

DATES: Publication of legal notices in the listed newspapers will begin with decisions subject to administrative review that are made the first day following the date of this publication. The list of newspapers will remain in effect until another notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Regional Administrative Review Coordinator; Northern Region; P.O. Box 7669; Missoula, Montana 59807. Phone: (406) 329–3381.

SUPPLEMENTARY INFORMATION: The newspapers to be used are as follows:

Northern Region Regional Forester Decisions for:

Montana: The Missoulian, Great Falls Tribune, and The Billings Gazette; Northern Idaho and Eastern Washington: Coeur d'Alene Press and Lewiston Tribune; North Dakota and South Dakota: Bismarck Tribune.

Northern Region Forest Supervisor and District Ranger Decisions for:

Beaverhead/Deerlodge National Forest (NF)—Montana Standard
Bitterroot NF—Ravalli Republic
Custer NF—Billings Gazette (Montana); Rapid City Journal (South Dakota)
Dakota Prairie Grasslands—Bismarck Tribune (North and South Dakota)
Flathead NF—Daily Inter Lake
Gallatin NF—Bozeman Chronicle
Helena NF—Helena Independent Record
Idaho Panhandle NFs—Coeur d'Alene Press
Kootenai NF—Missoulian (Note this change as it was previously the Daily Inter Lake)
Lewis & Clark NF—Helena Independent Record
Lolo NF—Missoulian
Nez Perce-Clearwater NFs—Lewiston Tribune

Supplemental notices may be placed in any newspaper, but timeframes/deadlines will be calculated based upon notices in newspapers of record listed above.

Dated: March 11, 2016.

Leanne M. Marten,

Regional Forester.

[FR Doc. 2016–06140 Filed 3–17–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tonto National Forest; Pinal County, AZ; Resolution Copper Project and Land Exchange Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement for approval of a plan of operations for the Resolution Copper Project and associated land exchange; request for comments; and notice of public scoping.

SUMMARY: The Tonto National Forest (TNF) is preparing an Environmental Impact Statement (EIS) to evaluate and disclose the potential environmental effects from: (1) Approval of the ''General Plan of Operations'' (GPO) submitted by Resolution Copper Mining, LLC (Resolution Copper), for operations on National Forest System (NFS) land associated with a proposed large-scale mine; (2) the exchange of land between Resolution Copper and the United States; and (3) amendments to the Tonto National Forest Land and Resource Management Plan (forest plan) (1985, as amended).

DATES: Comments concerning the scope of the analysis must be received by May 17, 2016.

ADDRESSES: Send written comments to: Resolution EIS Comments, P.O. Box 34468, Phoenix, AZ 85067–4468. Comments may also be sent via email to: *Comments@resolutionmineeis.us,* submitted via Web site at *www.resolutionmineeis.us,* or submitted by leaving a verbal message at 1–866–546–5718. Additional information regarding submittal of comments is provided below in the Scoping section. Written and oral comments may also be submitted during open houses that will be held by the U.S. Forest Service (Forest Service), as follows:

1. March 31, 2016, 5:00–8:00 p.m. Queen Valley Recreation Hall, 1478 East Queen Valley Drive, Queen Valley, Arizona.
2. April 4, 2016, 5:00–8:00 p.m. Superior High School, Multi-purpose room, 100 Mary Drive, Superior, Arizona.
3. April 5, 2016, 5:00–8:00 p.m. Elks Lodge, 1775 East Maple Street, Globe, Arizona.
4. April 6, 2016, 5:00–8:00 p.m. Southwest Regional Library, 775 North Greenfield Road, Gilbert, Arizona.

FOR FURTHER INFORMATION CONTACT: Mark Nelson, Project Manager, at 602–225–5222 or *mrnelson@fs.fed.us* during normal business hours.

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

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The project is located in the Globe and Mesa Ranger Districts, Tonto National Forest, Arizona. The TNF is evaluating the proposed action at this time to comply with its statutory and regulatory obligations to respond to a proposed plan of operations submitted by Resolution Copper and to comply with Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (NDAA).

The purpose and need for this project is twofold:

1. To consider approval of the proposed GPO submitted by Resolution Copper, which would govern surface disturbance on NFS lands from mining operations that are reasonably incident to extraction, transportation, and processing of copper and molybdenum.
2. To exchange lands between Resolution Copper and the United States as directed by Section 3003 the NDAA.

Resolution Copper submitted the proposed GPO for approval by the Forest Service in November 2013. The

proposed GPO was submitted in accordance with Forest Service regulations for locatable minerals set forth at 36 Code of Federal Regulations (CFR) 228 Subpart A. The Forest Service must: (1) Evaluate the proposed GPO; (2) consider requirements set forth at 36 CFR 228.8, including those to minimize adverse effects to the extent feasible, comply with applicable laws, regulations, and standards for environmental protection, and provide for reclamation; and (3) respond to the proposal as set forth at 36 CFR 228.5(a). Approval of the proposed GPO would be a major federal action subject to the National Environmental Policy Act of 1969 (NEPA). Accordingly, the Forest Service must also prepare an EIS to consider and publicly disclose the potential environmental effects of the proposed action.

The NDAA was enacted in December 2014. Section 3003 of this law directs the Secretary of Agriculture (Secretary) to exchange certain NFS land in the area of the proposed mine with Resolution Copper in exchange for private land parcels located throughout eastern Arizona. Section 3003 of the NDAA also requires the Secretary to prepare an EIS prior to conveying the federal land, which shall be used as the basis for all decisions under federal law related to the proposed mine, the GPO, and any related major federal actions. The Forest Service, an agency within the U.S. Department of Agriculture, is the lead agency tasked with completion of the EIS, because the Forest Service has management responsibility for the federal land that will be conveyed to Resolution Copper and for the federal land that would be affected by the proposed GPO.

Proposed Action

The proposed action is to approve the proposed GPO as submitted by Resolution Copper and to complete the land exchange as directed by Congress under Section 3003 of the NDAA. As proposed in the GPO, the Resolution Copper mine would affect federal, state, and private lands. The proposed action by the Forest Service would only approve mining operations on NFS lands, because the Forest Service does not have jurisdiction to regulate mining operations that occur on private or state land. However, the EIS will consider and disclose environmental effects that would occur on federal, private, and state lands associated with the proposed mine and the land exchange. Connected actions related to the GPO and amendment of the forest plan will also be analyzed. Impacts of reasonably foreseeable actions in the project area will be considered in combination with the impacts of the project to estimate the potential cumulative impacts of project implementation.

Substantial mining activities described in the GPO would affect a 2,422-acre parcel of land known generally as the ''Oak Flat'' parcel. Section 3003 of the NDAA directs the conveyance of the Oak Flat parcel to Resolution Copper. In exchange for the Oak Flat parcel, Resolution Copper would transfer eight parcels located throughout Arizona, totaling 5,344 acres, to the United States. The Forest Service will not regulate mining activities on the Oak Flat parcel, which is to be conveyed to Resolution Copper, because it will be private land. The Forest Service will need to approve a plan of operations only for related operations that are proposed on NFS land outside of the Oak Flat parcel. The following sections provide additional information regarding the proposed mining operations and the land exchange.

Proposed Mining Operations

Resolution Copper proposes to conduct underground mining of a copper-molybdenum deposit located 5,000 to 7,000 feet below the ground surface. Resolution Copper estimates that the mine would take approximately 10 years to construct, would have an operational life of approximately 40 years, and would be followed by 5 to 10 years of reclamation activities.

The mining operation would include, but is not limited to, the following facilities and activities, which would be conducted on a mixture of NFS, private, and state lands:

—The mining itself would take place under the Oak Flat parcel.

—An area known as the East Plant Site would be developed adjacent to the Oak Flat parcel. This area would include mine shafts and a variety of surface facilities to support mining operations. This area currently contains two operating mine shafts, a mine administration building, and other mining infrastructure. Portions of the East Plant site would be located on NFS lands, and would be subject to Forest Service regulatory jurisdiction.

—Mined ore would be crushed underground and then transported underground approximately 2.5 miles west to an area known as the West Plant Site, where ore would be processed to produce copper and molybdenum concentrates. Portions of the West Plant site would be located on NFS lands, and would be subject to Forest Service regulatory jurisdiction.

—The copper concentrate would be pumped as a slurry through a 22-mile pipeline to a filter plant and loadout facility located near Florence Junction, Arizona, where copper concentrate would be filtered and then sent to off-site smelters via rail cars or trucks. The molybdenum concentrate would be filtered, dried, and sent to market via truck directly from the West Plant Site.

—The copper concentrate slurry pipeline would be located along an existing, previously disturbed right-of-way known as the Magma Arizona Railroad Company (MARRCO) corridor. The MARRCO corridor would also host other mine infrastructure, including, but not limited to, water pipelines, power lines, pump stations, and groundwater wells for recovery of banked Central Arizona Project water. A portion of the MARRCO corridor is located on NFS lands and would be subject to Forest Service regulatory jurisdiction.

—Tailings produced at the West Plant Site would be pumped as a slurry through several pipelines for 4.7 miles to a tailings storage facility. The tailings storage facility would gradually expand over time, eventually reaching about 4,400 acres in size. The proposed tailings storage facility is located on NFS lands and would be subject to Forest Service regulatory jurisdiction.

—All power to the mine would be supplied by the Salt River Project. Portions of the proposed electrical infrastructure would be located on NFS land and would be subject to Forest Service regulatory jurisdiction. A Forest Service special use permit would be required to approve construction and operation of new power lines on NFS lands by the Salt River Project.

—Reclamation would be conducted to achieve postclosure land use objectives, including closing and sealing the mine shafts, removing surface facilities and infrastructure, and establishing self-sustaining vegetative communities using local species. The proposed tailings storage facility would be reclaimed in place, providing for permanent storage of mine tailings.

An initial review of the consistency of the proposed GPO with the forest plan indicates that approval of the proposed GPO would result in conditions that are inconsistent with the forest plan. An amendment to the forest plan is proposed that may address objectives,

standards, and guidelines relating to recreation, vegetation, cultural resource management, visual quality, and wildlife.

Land Exchange

Section 3003 of the NDAA directs the conveyance of specified federal lands to Resolution Copper if Resolution Copper offers to convey the specified non-federal land to the United States, which Resolution Copper has done. The following paragraphs summarize the land parcels that will be exchanged.

The 2,422-acre Oak Flat parcel will be transferred by the United States to Resolution Copper.

The following parcels will be transferred from Resolution Copper to the United States, to be included in the NFS:

—10 acres near Superior in Pinal County, Arizona, known as the Non-Federal Parcel—Apache Leap South End, to be administered by the TNF
—148 acres in Yavapai County, Arizona, known as the Non-Federal Parcel—Tangle Creek, to be administered by the TNF
—147 acres in Gila County, Arizona, known as the Non-Federal Parcel—Turkey Creek, to be administered by the TNF
—149 acres near Cave Creek in Maricopa County, Arizona, known as the Non-Federal Parcel—Cave Creek, to be administered by the TNF
—640 acres north of Payson in Coconino County, Arizona, known as the Non-Federal Parcel—East Clear Creek, to be administered by the Coconino National Forest

The following parcels will be transferred from Resolution Copper to the U.S. Department of the Interior:

—3,050 acres near Mammoth in Pinal County, Arizona, known as the Non-Federal Parcel—Lower San Pedro River, to be administered by the Bureau of Land Management (BLM) as part of the San Pedro Riparian National Conservation Area
—940 acres south of Elgin in Santa Cruz County, Arizona, known as the Non-Federal Parcel—Appleton Ranch, to be administered by the BLM as part of the Las Cienegas National Conservation Area
—160 acres near Kearny in Gila and Pinal Counties, Arizona, known as the Non-Federal Parcel—Dripping Springs, to be administered by the BLM

Also as a requirement of the NDAA, if requested by the Town of Superior, Arizona, the following land will be transferred from the United States to the Town of Superior:

—30 acres associated with the Fairview Cemetery
—250 acres associated with parcels contiguous to the Superior Airport
—265 acres of federal reversionary interest associated with the Superior Airport

As of February 2016, the Town of Superior has not requested this land transfer.

Possible Alternatives

The EIS will analyze the no action alternative, which would neither approve the proposed GPO nor complete the land exchange. However, the responsible official does not have discretion to select the no action alternative, because it would not be consistent with the requirements of 36 CFR 228.5, nor would it comply with the NDAA. Further information regarding the nature of the decision to be made is presented in a following section.

Additional alternatives may be evaluated in the EIS. These alternatives may require changes to the proposed GPO, which are necessary to meet Forest Service regulations for locatable minerals set forth at 36 CFR 228 Subpart A.

Lead and Cooperating Agencies

The Forest Service will be the lead agency preparing the EIS. Cooperating agencies have not yet been identified.

Responsible Official

The Forest Supervisor of the TNF will be the responsible official who prepares the record of decision (ROD), approves the GPO, and administers the land exchange.

Nature of Decision To Be Made

The TNF Supervisor will consider the beneficial and adverse impacts of each alternative. With respect to the proposed GPO, the TNF Forest Supervisor has discretion to determine whether changes in the proposed GPO will be required prior to approval. With respect to the land exchange, the TNF Forest Supervisor has limited discretion to make decisions that are consistent with Section 3003 of the NDAA. The nature of the decision to be made is discussed further in the following sections.

General Plan of Operations

Using the analysis in the EIS and supporting documentation, the TNF Forest Supervisor will make the following decisions regarding the proposed GPO:

1. Decide whether to approve the proposed GPO submitted by Resolution Copper, or require changes or additions to the proposed GPO to meet the requirements for environmental protection and reclamation set forth at 36 CFR Subpart A before approving a final GPO. The Forest Service decision may be to approve a plan of operations composed of elements from one or more of the alternatives considered. The alternative that is selected for approval in the final GPO must minimize adverse impacts on NFS surface resources to the extent feasible.

2. Decide whether to approve amendments to the forest plan, which would be required to approve the final GPO.

3. Decide whether to approve a special use permit for the Salt River Project to authorize construction and operation of power lines on NFS lands.

Regulations of the Secretary of Agriculture that govern the use of surface resources in conjunction with mining operations on NFS lands are set forth under 36 CFR 228 Subpart A. These regulations require that the Forest Service respond to parties who submit proposed mining plans for approval to conduct mining operations on or otherwise use NFS lands in conjunction with mining for part or all of their planned actions. In accordance with regulations at 36 CFR 228.5, the submittal of the proposed GPO by Resolution Copper requires the Forest Service to consider whether to approve the proposed GPO or to require changes or additions deemed necessary to meet the requirements of the regulations for locatable mineral operations set forth in 36 CFR Subpart A. The Forest Service cannot categorically prohibit mining operations that are reasonably incident to mining of locatable minerals on NFS lands in the area of the proposed action.

Land Exchange

Congress has directed the Forest Service to complete the land exchange contemplated by Section 3003 of the NDAA. This act directs the Secretary to convey to Resolution Copper all right, title, and interest of the United States in and to identified federal land if Resolution Copper offers to convey to the United States all right, title, and interest of Resolution Copper in and to identified non-federal lands. With respect to the land exchange, the Forest Supervisor has limited discretion to: (1) Address concerns of affected Indian Tribes; (2) insure that title to the non-federal lands offered in the exchange is acceptable; (3) accept additional non-federal land or a cash payment from Resolution Copper to the United States in the event that the final appraised value of the federal land exceeds the

value of the non-federal land; or (4) other matters related to the land exchange that are consistent with Section 3003 of the NDAA.

Final EIS and Record of Decision

The Forest Supervisor plans to release two draft RODs in conjunction with the final EIS. The first draft ROD would address the land exchange and the second draft ROD would address the GPO. Each draft decision would be subject to 36 CFR 218, ''Project-Level Pre-decisional Administrative Review Process.'' Depending on the nature of the forest plan amendments required, the draft decisions may also be subject to 36 CFR 219 Subpart B, ''Pre-decisional Administrative Review Process.''

Following resolution of objections to the draft RODs, final RODs would be issued. Resolution Copper would have an opportunity to appeal the decisions as set forth at 36 CFR 214, ''Postdecisional Administrative Review Process for Occupancy and Use of National Forest System Lands and Resources.''

Prior to approval of the GPO, Resolution Copper may be required to modify the proposed GPO to align it with the description of the selected alternative in the final ROD. In addition, the TNF Forest Supervisor would require Resolution Copper to submit a reclamation bond or other financial assurance to ensure that NFS lands and resources involved with the mining operation are reclaimed in accordance with the approved GPO and Forest Service requirements for environmental protection (36 CFR 228.8 and 228.13). After the Forest Service has determined that the GPO conforms to the ROD and that the reclamation bond is acceptable, it would approve the GPO. Implementation of mining operations that affect NFS lands and resources may not commence until a plan of operations is approved and the reclamation bond or other financial assurance is in place.

Section 3003 of the NDAA requires the Secretary to convey all right, title, and interest of the United States in and to the federal land to Resolution Copper no later than 60 days after the date of publication of the final EIS.

Preliminary Issues

Issues to be analyzed in the EIS will be developed during this scoping process. Preliminary issues expected to be analyzed include potential impacts to: Air quality, socioeconomics; groundwater and surface water quality; riparian and aquatic areas and springs; surface water runoff; ground subsidence; historical and cultural resources; traditional cultural properties and cultural landscapes; biological resources, including threatened and endangered species; environmental justice; recreation; transportation; noise; and visual resources. This list is subject to change based on comments received from the public and resource agencies.

Permits or Licenses Required

The following is a partial list of additional permits that may be required: Permits associated with well drilling and groundwater withdrawal (Arizona Department of Water Resources); air permits (Arizona Department of Environmental Quality and Pinal County); aquifer protection permit (Arizona Department of Environmental Quality); right-of-way permit for new 50-foot powerline right-of-way (Arizona State Land Department); Certificate of Environmental Compatibility for new power lines (Arizona Corporation Commission Power Plant and Line Siting Committee); Arizona Pollutant Discharge Elimination System permit (Arizona Department of Environmental Quality); dam safety permits (Arizona Department of Water Resources); water quality certification under Section 401 of the Clean Water Act (issued by the Arizona Department of Environmental Quality); and a permit under Section 404 of the Clean Water Act (administered by the U.S. Army Corps of Engineers).

Scoping Process

This notice of intent initiates the scoping (public involvement) process, which guides the development of the EIS. Public comments may be submitted to the TNF in a variety of ways, including: via email, via the project Web site, by mail, via facsimile, and verbally by leaving a phone message. In addition, the TNF will conduct a minimum of four open houses during which members of the public can learn about the proposed action and the NEPA review process, and submit comments. Comments sought by the TNF include specific comments to the proposed action, appropriate information that could be pertinent to analysis of environmental effects, identification of significant issues, and identification of potential alternatives.

Written comments may be sent to: Resolution EIS Comments, P.O. Box 34468, Phoenix, AZ 85067–4468. Comments may also be sent via email to: *Comments@resolutionmineeis.us,* submitted via Web site at *www.resolutionmineeis.us,* sent via facsimile to 1–866–546–5718, or submitted by leaving a verbal message at 1–866–546–5718.

It is important that reviewers provide their comments at such times and in a manner in which they are useful to the agency's preparation of the EIS. Although comments are welcome at any time during the NEPA review, they will be most useful to us if they are received within 60 days following the publication of this notice. Comments should clearly articulate the reviewer's concerns. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the respondent with subsequent environmental documents.

Dated: March 9, 2016.

Neil Bosworth,

Forest Supervisor.

[FR Doc. 2016–05781 Filed 3–17–16; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Advisory Committees Expiration

AGENCY: United States Commission on Civil Rights.

ACTION: Solicitation of applications.

SUMMARY: Because the terms of the members of the Missouri Advisory Committee are expiring on July 24, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Missouri Advisory Committee, and applicants must be residents of Missouri to be considered. Letters of interest must be received by the Central Regional Office of the U.S. Commission on Civil Rights no later than May 24, 2016. Letters of interest must be sent to the address listed below.

Because the terms of the members of the North Carolina Advisory Committee are expiring on July 24, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the North Carolina Advisory Committee, and applicants must be residents of the North Carolina to be considered. Letters of interest must be received by the Southern Regional Office of the U.S. Commission on Civil Rights no later than May 24, 2016. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Arizona Advisory Committee are

expiring on July 24, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Arizona Advisory Committee, and applicants must be residents of the Arizona to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than May 24, 2016. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Missouri Advisory Committee should be received no later than May 24, 2016.

Letters of interest for membership on the North Carolina Advisory Committee should be received no later than May 24, 2016.

Letters of interest for membership on the Arizona Advisory Committee should be received no later than May 24, 2016.

ADDRESSES: Send letters of interest for the Missouri Advisory Committee to: U.S. Commission on Civil Rights, Central Regional Office, 400 State Avenue, Suite 908, Missouri City, KS 66101. Letter can also be sent via email to *csanders@usccr.gov.*

Send letters of interest for the North Carolina Advisory Committee to: U.S. Commission on Civil Rights, Southern Regional Office, 61 Forsyth Street SW., Suite 1840T, Atlanta, GA 30303. Letter can also be sent via email to *jhinton@usccr.gov.*

Send letters of interest for the Arizona Advisory Committee to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Chief, Regional Programs Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Missouri, North Carolina, and Arizona Advisory Committees are statutorily mandated federal advisory committees of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the advisory committees, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. Advisory committees also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

Each advisory committee consists of not more than 19 members, each of whom will serve a four-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on an advisory committee, applicants must be residents of the respective state or district, and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- study and collect information about discrimination or denials of equal protection under the law,
- appraise federal civil rights laws and policies,
- serve as a national clearinghouse on discrimination laws,
- submit reports and findings and recommendations to the President and the Congress, and
- issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Missouri, North Carolina, or Arizona Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated: March 14, 2016.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2016–06080 Filed 3–17–16; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–69–2015]

Foreign-Trade Zone (FTZ) 39—Dallas, Texas; Authorization of Production Activity; Zale Delaware, Inc.; Subzone 39F (Assembly of Jewelry); Irving, Texas

On October 26, 2015, Zale Delaware, Inc., operator of Subzone 39F submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within FTZ 39-Subzone 39F in Irving, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 67704, November 3, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: March 1, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–06178 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1995]

Approval of Expansion of Subzone 78A Nissan North America, Inc.; Smyrna, Tennessee

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Metropolitan Government of Nashville and Davidson County, grantee of Foreign-Trade Zone 78, has made application to the Board to expand Subzone 78A on behalf of Nissan North America, Inc., located in Smyrna, Tennessee (FTZ Docket B–77–2015, docketed November 12, 2015);

Whereas, notice inviting public comment has been given in the **Federal Register** (80 FR 72412, November 19, 2015) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves the expansion of Subzone 78A on behalf of Nissan North America, Inc.,

as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Signed at Washington, DC, this 22nd day of February 2016.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2016–06175 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–12–2016]

Foreign-Trade Zone (FTZ) 168—Dallas/Fort Worth, Texas; Notification of Proposed Production Activity; Gulfstream Aerospace Corporation (Passenger Jet Aircraft); Dallas, Texas

The Metroplex International Trade Development Corporation, grantee of FTZ 168, submitted a notification of proposed production activity to the FTZ Board on behalf of Gulfstream Aerospace Corporation (Gulfstream), located in Dallas, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 8, 2016.

The Gulfstream facility is located within Site 10 of FTZ 168. The facility is used for the production of passenger jet aircraft. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status 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 Gulfstream from customs duty payments on the foreign status components used in export production. On its domestic sales, Gulfstream would be able to choose the duty rate during customs entry procedures that applies to passenger jet aircraft (free) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: Flight data recorders; wire harnesses; aircraft parts; fuselage panels; fuselage panel covers; aircraft assemblies; upholstery leather; upholstery suede; sheepskin seat covers; metal placards; power supplies; regulators; magnets; landing lights; headsets/headphones; and, antennas (duty rate ranges free to 4.9%).

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 27, 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: March 9, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–06174 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–13–2016]

Foreign-Trade Zone (FTZ) 141—Monroe County, New York; Notification of Proposed Production Activity; Xerox Corporation; Subzone 141B (Bulk Toner, Toner Cartridges and Photoreceptors); Webster, New York

The County of Monroe, New York, grantee of FTZ 141, submitted a notification of proposed production activity to the FTZ Board on behalf of Xerox Corporation (Xerox) located within Subzone 141B in Webster, New York. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 7, 2016.

The Xerox facility is used for the production of bulk toner, toner cartridges and photoreceptors. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Xerox from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, Xerox would be able to choose the duty rates during customs entry procedures that apply to bulk toner, toner cartridges and photoreceptors (duty rates range from free to 6.5%) for the foreign-status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Strontium titanate; zinc stearate; titanium dioxide; silicon dioxide; polytetrafluoroethylene (PTFE); polymethylmethacrylate; bulk toner; polycarbonate resin; and tri-aryl amine (duty rates range from 3.7% to 6.5%).

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 27, 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 Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: March 10, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–06173 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–76–2015]

Authorization of Production Activity; Foreign-Trade Subzone 238B; CEI-Roanoke, LLC (Cosmetics and Personal Care Products Bottling); Roanoke, Virginia

On November 6, 2015, the New River Valley Economic Development Alliance, grantee of FTZ 238, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of CEI-Roanoke, LLC, operator of Subzone 238B in Roanoke, Virginia.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 71771–71772, November 17, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: March 11, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–06177 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–78–2015]

Foreign-Trade Zone (FTZ) 45—Portland, Oregon; Authorization of Production Activity; Lam Research Corporation; Subzone 45H (Semiconductor Production Equipment, Subassemblies and Related Parts); Tualatin and Sherwood, Oregon

On November 6, 2015, the Port of Portland, grantee of FTZ 45, submitted a notification of proposed production activity to the FTZ Board on behalf of Lam Research Corporation, within Subzone 45H at sites in Tualatin and Sherwood, Oregon.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 72412, November 19, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: March 8, 2016.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2016–06176 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (the ''Department'') and the International Trade Commission (the ''ITC'') that revocation of the antidumping duty order on potassium permanganate from the People's Republic of China (''PRC'') would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

DATES: *Effective Date:* March 18, 2016.

FOR FURTHER INFORMATION CONTACT: Omar Qureshi, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5307.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2015, the Department published a notice of initiation of the sunset review of the antidumping duty order on potassium permanganate from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[1] As a result of its review, the Department determined that revocation of the antidumping duty order on potassium permanganate from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked.[2] On February 8, 2016, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on potassium permanganate from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Order

Imports covered by this order are shipments of potassium permanganate, an inorganic chemical produced in free-flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under item 2841.61.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS item number is provided for convenience and customs purposes, the written description of the merchandise remains dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on potassium permanganate from the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (''sunset'') review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: March 14, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–06172 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 80 FR 52743 (September 1, 2015).

[2] *See Potassium Permanganate from the People's Republic of China: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty* Order, 81 FR 741 (January 7, 2016) and accompanying Issues and Decision Memorandum.

[3] *See Potassium Permanganate from the People's Republic of China: Determination,* 81 FR 6538 (February 8, 2016); *see also Potassium Permanganate from the People's Republic of China: Investigation No. 731–TA–125,* USITC Publication 4590 (February, 2016).

DEPARTMENT OF COMMERCE

International Trade Administration

United States Investment Advisory Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of establishment of the United States Investment Advisory Council.

SUMMARY: The Department of Commerce, having determined that it is in the public interest in connection with the performance of duties imposed on the Department by law, and with the concurrence of the General Services Administration, announces establishment of The United States Investment Advisory Council. This advisory committee will provide advice on strategies to attract foreign direct investment to the United States. The establishment of this federal advisory committee is necessary to provide input to the Secretary of Commerce on the development and implementation of strategies and programs to attract and

retain foreign investment in the United States and to help support the United States remaining the world's preeminent destination for foreign direct investment.

FOR FURTHER INFORMATION CONTACT: Office of Advisory Committees and Industry Outreach, United States Investment Advisory Committee Executive Secretariat, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, *telephone* 202–482–4501, *email: IAC@trade.gov.*

SUPPLEMENTARY INFORMATION: The United States Investment Advisory Council (Advisory Council) is established in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App., to advise the Secretary of Commerce (Secretary) on matters relating to the promotion and retention of foreign direct investment in the United States (FDI). The Department of Commerce affirms that the creation of this Advisory Council is necessary and in the public interest.

Dated: March 15, 2016.

Li Zhou,

Deputy Director, Office of Advisory Committees & Industry Outreach.

[FR Doc. 2016–06231 Filed 3–16–16; 11:15 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE514

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting via webinar.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a meeting of its Reef Fish Advisory Panel (AP) via webinar.

DATES: The meeting will convene on Friday, April 1, 2016; starting at 10:30 a.m. EDT and ending no later than 12:30 p.m. EDT.

ADDRESSES: The meeting will take place via webinar at: *https://attendee.gotowebinar.com/register/6974732592762970369.*

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Carrie Simmons, Deputy Director, Gulf of Mexico Fishery Management Council; *carrie.simmons@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Follow the link below to register for the Reef Fish AP webinar: *https://attendee.gotowebinar.com/register/6974732592762970369.* After registering, you will receive a confirmation email containing information about joining the webinar.

Agenda

The Chairman will start the meeting with introductions and adoption of agenda. The AP will discuss the Framework Action to Modify Red Grouper Annual Catch Limits and make recommendations to the Council.

—Meeting Adjourns—

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. Click on the ''Library Folder'', then scroll down to ''Reef Fish AP 04–2016''.

The meeting will be webcast over the Internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

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

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: March 14, 2016.

Jeffrey N. Lonergan,

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

[FR Doc. 2016–06081 Filed 3–17–16; 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: Groundfish Tagging Program.

OMB Control Number: 0648–0276.

Form Number(s): None.

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

Number of Respondents: 440.

Average Hours per Response: Return of a regular tag, 5 minutes; return of an internal archival tag, 20 minutes.

Burden Hours: 89.

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

The groundfish tagging program provides scientists with information necessary for effective conservation, management, and scientific understanding of the groundfish fishery off Alaska and the Northwest Pacific. The program area includes the Pacific Ocean off Alaska (the Gulf of Alaska, the Bering Sea and Aleutian Islands Area, and the Alexander Archipelago of Southeast Alaska), California, Oregon, and Washington. Fish movement information from recovered tags is used in population dynamics models for stock assessment. There are two general categories of tags. Simple plastic tags (spaghetti tags) are external tags approximately two inches long, printed with code numbers. When a tag is returned, the tag number is correlated with databases of released, tagged fish to determine the net movement and growth rate of the tagged fish. Archival tags are microchips with sensors encased in plastic cylinders that record the depth, temperature or other data, which can be downloaded electronically from the recovered tags. The groundfish tagging and tag recovery program is part of the fishery resource assessment and

data collection that the National Marine Fisheries Service (NMFS) conducts under the Magnuson-Stevens Act authority as codified in 16 U.S.C. 1801 (a)(8).

Affected Public: Not-for-profit institutions; state, local, or tribal government; business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 15, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–06187 Filed 3–17–16; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletion from the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete a product from the Procurement List previously furnished by such agency.

DATES: *Effective Date:* April 17, 2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 2/12/2016 (81 FR 7510–7511) and 2/19/2016 (81 FR 8486), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 §§ U.S.C. 8501–8506) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN(s)—Product Name(s):
MR 874—Potato Masher
MR 867—Cup, Measuring, Angled
Mandatory Source of Supply: Cincinnati Association for the Blind, Cincinnati, OH
Mandatory Purchase for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations, Chapter 51, 51–6.4
Contracting Activity: Defense Commissary Agency
Distribution: C-List

NSN—Product Name: 4330–01–398–8484—Filter Element, Fluid
Mandatory Source of Supply: Crossroads Rehabilitation Center, Inc., Indianapolis, IN
Mandatory Purchase For: 100% of the requirement of the Department of Defense
Contracting Activity: Defense Logistics Agency Land and Maritime
Distribution: C-List

Services

Service Type: Grounds Maintenance Service
Mandatory for: FAA, Atlanta Air Route Surveillance Radar, 1890 Roswell Street SE., Smyrna, GA

Service Type: Grounds Maintenance and Janitorial Service
Mandatory for: FAA, Fulton County Air Traffic Control Tower, 3979 Aviation Circle NW., Atlanta, GA
Mandatory Source of Supply: New Ventures Enterprises, Inc., LaGrange, GA
Contracting Activity: Dept of Trans/Federal Aviation Administration, College Park, GA

Deletion

On 2/12//2016 (81 FR 7510–7511), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletion from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product deleted from the Procurement List.

End of Certification

Accordingly, the following product is deleted from the Procurement List:

Product

NSN—Product Name: 7520–00–224–7238—Desk Blotter Pad, 19¼″ x 24¼″, Buff
Mandatory Source of Supply: Life'sWork of Western PA
Contracting Activity: General Services Administration

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2016–06180 Filed 3–17–16; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities, and delete products and services previously furnished by such agencies.

Comments Must be Received on or Before: 4/17/2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

For Further Information or to Submit Comments Contact: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from the nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agency listed:

Products

NSN(s)—Product Name(s):
5180–00–NIB–0018—Type I, Carpenter's Tool Kit Squad
5180–00–NIB–0019—Type II, Carpenter's Supplemental Tool Kit
5180–00–NIB–0020—Type III, Carpenter's Tool Kit
5180–00–NIB–0021—Type IV, Electrician's Tool Kit
5180–00–NIB–0022—Type V, Mason and Concrete Tool Kit
5180–00–NIB–0023—Type VI, Plumber's and Pipefitter's Tool Kit
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Mandatory for: 100% of the requirement of the U.S. Army
Contracting Activity: Department of the Army, W4GG HQ U.S. Army TACOM, Warren, MI
Distribution: C-List

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSN—Product Name: 8940–00–131–8761—Dessert Powder, Pudding, Instant, Vanilla
Mandatory Source of Supply: UNKNOWN
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA

NSN(s)—Product Name(s): 7510–00–NIB–0573—Custom Planners & Accessory Kit
7520–01–496–5478—Custom Planners & Accessory Kit
Mandatory Source of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: General Services Administration, FSS Household and Industrial Furniture, Arlington, VA

NSN—Product Name: 6645–01–516–9630—Slimline Wall Clock—12″ Federal Logo—Putty Case
Mandatory Source of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s): 6645–04–000–3339—Clock, Wall (Postal Service Logo)
6645–04–000–3340
6645–04–000–3341
6645–04–000–3342
6645–04–000–3344
6645–04–000–4260
6645–04–000–4261
6645–04–000–4262
6645–04–000–4263
6645–04–000–4264
6645–04–000–4265
6645–04–000–4267
6645–04–000–4268
Mandatory Source of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: U.S. Postal Service, Washington, DC

NSN(s)—Product Name(s):
7920–01–482–6034—Cloth, Cleaning, High Performance, Microfiber, Industrial Weight, Blue
7920–01–482–6040—Cloth, Cleaning, High Performance, Microfiber, Blue
7920–01–482–6042—Cloth, Cleaning, High Performance, Microfiber, Electronics, Platinum
7920–01–482–6045—Cloth, Cleaning, Microfiber, Lens, Blue, 24/BX
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: General Services Administration, Fort Worth, TX

NSN(s)—Product Name(s):
MR 350—Containers, Storage, 12PG
MR 362—Set, Salad Bowl, Event Serverware
MR 363—Set, Pitcher and Tumbler, Event Serverware
MR 364—Set, Ice Bucket and Goblet, Event Serverware
MR 850—Spinner, Salad
MR 1194—Bottle, Water, Reusable, 26oz
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Defense Commissary Agency, Fort Lee, VA

Services

Service Type: Janitorial/Custodial Service
Service is Mandatory For: US Border Patrol, Lynden Station, 8334 Guide Meridian Lynden, WA
Mandatory Source of Supply: Lake Whatcom Residential and Treatment Center, Bellingham, WA
Contracting Activity: U.S. Customs and Border Protection, Border Enforcement Contracting Division, Washington, DC

Service Type: Mailroom Operation Service
Service is Mandatory For: U.S. Customs House: 220 NE. 8th Avenue, Portland, OR
Mandatory Source of Supply: Portland Habilitation Center, Inc., Portland, OR
Contracting Activity: Dept of the Army, W071 ENDIST PORTLAND, Portland, OR

Service Type: Janitorial Service
Service is Mandatory For: Bldgs 736, 658 & 12737; Fort. Richardson AK, Corner of Quartermaster & D Streets (#); 5th St, Fort Richardson, AK
Mandatory Source of Supply: MQC Enterprises, Inc., Anchorage, AK
Contracting Activity: Dept of the Army, W2SN ENDIST ALASKA, Anchorage, AK

Service Type: Packaging Service
Service is Mandatory For: 304 Terry Avenue, Hurlburt Field AFB, FL
Mandatory Source of Supply: Lakeview Center, Inc., Pensacola, FL
Contracting Activity: Dept of the Air Force, FA4417 1 SOCONS LGC, Hurlburt Field AFB, FL

Service Type: Preparation of Oil Sample Kits
Service is Mandatory For: Pensacola Naval Air Station, Pensacola, FL
Mandatory Source of Supply: Lakeview Center, Inc., Pensacola, FL
Contracting Activity: Dept of the Navy, Naval Air Warfare Center Air Div, Patuxent River, MD

Service Type: Janitorial/Custodial Service
Service is Mandatory For: Willow Grove Air Reserve Station Center, Bldg. 167, Willow Grove, PA
Mandatory Source of Supply: The Chimes, Inc., Baltimore, MD
Contracting Activity: Dept of the Air Force, FA7014 AFDW PK, Andrews AFB, MD

Service Type: Furnishings Management Service
Service is Mandatory For: Dover Air Force Base: 639 Atlantic Street, Dover Air Force Base, DE
Mandatory Source of Supply: The Chimes, Inc., Baltimore, MD
Contracting Activity: Dept of the Air Force, FA4497 436 CONS LGC, Dover AFB, DE

Service Type: Food Service Attendant Service
Service is Mandatory For: Hanscom Air Force Base, Hanscom AFB, MA
Mandatory Source of Supply: Work, Incorporated, Dorchester, MA
Contracting Activity: Dept of the Air Force, FA2835 AFLCMC HANSCOM PZI, Hanscom AFB, MA

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2016–06181 Filed 3–17–16; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2016–HQ–0008]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records, AAFES 0207.02, entitled ''Customer Solicitations, Comments, Inquiries, and Direct Line Records''. This SORN enables the Army and Air Force Exchange Service to carry out its mission to enhance the quality of life for authorized patrons and to support military readiness, recruitment and retention, by providing a world-wide system of Exchanges with merchandise and household goods similar to commercial stores and services.

DATES: Comments will be accepted on or before April 18, 2016. This proposed action will be effective on the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22315–3827 or by phone at 703–428–7499.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by 5 U.S.C 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 4, 2016, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I of OMB Circular No. A–130, Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 15, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

AAFES 0207.02

SYSTEM NAME:

Customer Solicitations, Comments, Inquiries, and Direct Line Records (August 28, 2006, 71 FR 50899).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Exchange Retail Sales Transaction Data.''

SYSTEM LOCATION:

Delete entry and replace with ''Headquarters, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598; Exchange Regions and Area Exchanges at posts, bases, and satellite locations worldwide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Customers or potential customers of the Army and Air Force Exchange Service.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Individual's name; date of birth; Social Security Number (SSN); Department of Defense Identification Number (DoD ID Number), and ID card bar code value; military card identification number; addresses (home, billing, and shipping); email address (personal and/or business) telephone number (personal and/or business); Internet and mobile ordering web login username and password.

Information related to purchases to include: Date of transaction; transaction number; name and address of recipient of order; description and price of item ordered; method of shipment; amount of order/refund; returned check identifier; claim data for returns/damages to shipments; coupon information; digital coupons available; incentive account information (loyalty card, rewards card, points card, advantage card or club card information), and buying preferences.

Information related to payment method to include: Account/card holder name; financial institution information(bank account number, routing number, check number); credit and debit/automated teller machine card information (card number, expiration date, Card Verification Value 2 (CVV2), Card Validation Code (CVC), or Card Identifier (CID); smart card and other chip-based card payment information (issuer, credit or debit accounts and account limits); other similar methods of payment information initiated by mobile device applications; electronic benefit transfer card (Women, Infants and Children Programs (WIC) and Supplemental Nutritional Assistance Program (SNAP) information; prepaid/preloaded/stored value card information; and gift card/certificate information.

Exchange patron demographic information to include: age; military status (active, reserve, retired, civilian, officer, enlisted, family member, survivor, foreign, etc.); military rank; branch of service; household size and income; distance from nearest Exchange; frequency of shopping trips; income range; shopper preference information; preferred brand names; promotions or coupons; and Exchange profile information; social media (Facebook, Twitter, Flickr, YouTube) username; compilation of Exchange patron comments, inquiries, complaints, and feedback concerning Exchange merchandise and the patron's Exchange shopping experience posted by the Exchange patron in the social media environment; and the Exchange patron's publically viewable social media profile information.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Air Force; 10 U.S.C. 2481, Defense commissary and exchange systems: existence and purpose; Army Regulation 215–8/Air Force Instruction 34–211(I), Army and

Air Force Exchange Service Operations; and E.O. 9397 (SSN), as amended.''

PURPOSE:

Delete entry and replace with ''To enable the Army and Air Force Exchange Service to carry out its mission to enhance the quality of life for authorized patrons and to support military readiness, recruitment and retention, by providing a world-wide system of Exchanges with merchandise and household goods similar to commercial stores and services.

To authenticate authorized patrons, record purchases and purchase prices, account for and deduct coupons and other promotional discounts, calculate the total amount owed by the customer, and accept payment by various media, such as cash, credit card, debit/ATM card, smart card and other chip-based cards, electronic benefits transfer payments, prepaid/preloaded and stored value cards, gift cards/certificates, and other similar methods of payments initiated through mobile device applications.

To locate order information to reply to customer inquiries, complaints; to create labels for shipment to proper location; to refund customer remittances or to collect monies due; to provide claim and postal authorities with confirmation/certification of shipment for customer claims for damage or lost shipments.

To record customer transactions/payment for layaway and special orders; to determine payment status before finalizing transactions; to identify account delinquencies and prepare customer reminder notices; to mail refunds on canceled layaway or special orders; to process purchase refunds; to document receipt from customer of merchandise subsequently returned to vendors for repair or replacement, shipping/delivery information, and initiate follow up actions; to monitor individual customer refunds; to perform data analysis and data research that helps the Exchange understand the purchasing behavior of customers and better meet the needs, affinities and wants of our customers; to improve efficiency of marketing system(s); and, to help detect and prevent criminal activity, and identify potential abuse of exchange privileges.

To collect debts due to the United States in the event a patron's medium of payment is declined or returned unpaid.

To monitor purchases of restricted items outside the United States, its territories and possessions, as necessary to prevent black marketing in violation of treaties or agreements, and to comply with age restrictions applicable to certain purchases by minors or those under allowable ages.

To create, maintain and enhance system and mobile device shopping capability allowing authorized patrons to order Exchange retail products online through their home computer, mobile device or other method through which the patron can access the internet, and to pay for such purchases electronically either at the time of ordering or at the time of pick up.

To create Exchange patron profiles for the purposes of determining aggregate patron demographic data for use in responding to individual patron inquiries, assessing aggregate patron satisfaction with the delivery of the Exchange benefit, and in determining the appropriate product availability meeting the Exchange customers' current and future needs and wants. To aid the Exchange management in determining needs of customers and action required to settle customer complaints and to notify potential customers who voluntarily provide their email address and other personal information to receive information about special events, sales, and other information about shopping at the Exchange, and to improve the efficiency and effectiveness of the Exchange's marketing programs.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To a contractor who requires the data to perform the services that they were contracted to perform, provided that those services are consistent with the routine use for which the information was disclosed to the contracting entity. Should such a disclosure be made to the contractor, the individual or entity making such disclosure shall insure that the contractor complies fully with all Privacy Act provisions, including those prohibiting unlawful disclosure of such information.

To consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3701(a)(3) for the purpose of encouraging the repayment of an overdue debt, the amount, status and history of overdue debts, the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12).

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper records and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''By individual's name; SSN; military card identification number; DoD ID Number; email address.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) with an official need to know who are responsible for servicing the record in performance of their official duties. Persons are properly screened and cleared for access. Access to computerized data is role-based and further restricted by passwords, which are changed periodically.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Information on shipments is maintained in computer files for 180 days following completion of shipment. Microfilm and microfiche are retained for 2 years for postal claim purposes; destroyed after 6 years.

Cancelled or completed layaway tickets are held for 6 months after cancellation or delivery of merchandise; purchase orders are retained for 2 years; transaction records are retained for 2 years; refund vouchers are retained for 6 years; returned merchandise slips are retained for 6 years; cash receipt vouchers are retained for 3 years; repair/replacement order slips are retained for 2 years. All records are destroyed by shredding, all electronic records are destroyed by erasing/reformatting the media.

Paper records for customer comments, solicitations and complaints are

destroyed by shredding after 3 years. Customer records are kept continuously until obsolete or superseded, at which point paper records are shredded, and electronic records are destroyed by erasing/reformatting the media.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598, and local managers at Exchanges worldwide.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individuals should provide their full name, current address and telephone number, case number that appeared on correspondence received from the Exchange if applicable, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, Attention: FOIA/Privacy Manager,3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individuals should provide their full name, current address and telephone number, case number that appeared on correspondence received from the Exchange if applicable, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in 32 CFR part 505, Army Privacy Program; or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''From the individual and contractor/vendor.''

* * * * *

[FR Doc. 2016–06120 Filed 3–17–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Office of Economic Adjustment; Announcement of Federal Funding Opportunity (FFO)

AGENCY: Office of Economic Adjustment (OEA), Department of Defense (DoD).

ACTION: Federal funding opportunity announcement.

SUMMARY: This notice announces an opportunity to request funding from the Office of Economic Adjustment (OEA), a Department of Defense (DoD) field activity, for community planning assistance to help communities respond to announced reductions in force structure and personnel. Planning funds are available to assist communities to respond to these cuts on behalf of local workforce, business, and other community impacts. Generally, this assistance is available to help communities to organize and undertake general economic analyses to better understand how the reductions may affect local housing, schools, and businesses, etc. This notice includes proposal submission requirements and instructions, eligibility requirements, and the selection criteria that will be used to evaluate proposals from eligible respondents. OEA grants to a state or local government may result from any proposal submitted under this notice, subject to the availability of appropriations.

SUPPLEMENTARY INFORMATION:

a. *Federal Awarding Agency:* Office of Economic Adjustment (OEA), Department of Defense (DoD).

b. *Funding Opportunity Title:* Community Adjustment Planning Assistance in Response to Reductions in Force Structure and Personnel.

c. *Announcement Type:* Initial Federal Funding Opportunity.

d. *Catalog of Federal Domestic Assistance (CFDA) Number & Title:* 12.604, Community Economic Adjustment Assistance for Reductions in Defense Spending.

e. *Key Dates:* Proposals will be considered on a continuing basis. OEA will evaluate all proposal documents and requests, and provide a response to the respondent within 30 business days of OEA's receipt of a final and complete proposal.

I. Period of Funding Opportunity

Proposals will be considered on a continuing basis, subject to the availability of appropriated funds, commencing on the date of publication of this notice.

II. Funding Opportunity

a. Program Description

OEA is a DoD Field Activity authorized under 10 U.S.C. 2391 to provide assistance to state or local governments, and instrumentalities of state and local governments, including regional governmental organizations. This assistance helps communities to plan and carry out community adjustments required by the impact of a reduction in Defense spending for Army force structure and personnel. Funded activities may include: Operate and maintain a community-based organization to represent an impacted area and its workers, businesses, and communities; prepare cost effective strategies and action plans for sustainable economic recovery; carry out a community adjustment and economic diversification program; and, plan and carry out local economic adjustment programs. Planning and other components include but are not limited to: Feasibility studies; organizational staffing, operating, and administrative expenses; redevelopment and economic development capacity building; public outreach; and other activities necessary for a community to capably respond to the adverse impacts of Defense spending reductions on local schools, housing markets, central business districts, etc. Assistance may not be used to reverse or to oppose announced Defense spending reductions.

Proposals will be evaluated against the eligibility criteria in Section II.c. and the selection criteria in Section II.e. of this notice by OEA staff. OEA will notify the respondent within thirty (30) days of receipt of a proposal whether their proposal was successful. The successful respondent will then be invited to submit an application through OEA's EADS 2 system. Additional details about the review and selection process are provided in Section II.e. of this FFO.

The final amount of each award will be determined by OEA based upon a review of a final grant application, and will be subject to the availability of appropriated funds.

b. Federal Award Information

Awards under this FFO will be issued in the form of a grant agreement. In accordance with 31 U.S.C. 6304 a grant is defined as the legal instrument reflecting a relationship between the United States Government and a State, local government, or other recipient when: (1) The principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and, (2) Substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

c. Eligibility Information

Awards resulting from this FFO are based on eligibility and the responsiveness of proposals.

i. Eligible Respondents

Eligible respondents are states, counties, municipalities, other political subdivisions of a state; special purpose units of a state or local government; other instrumentalities of a state or local government; and tribal nations. Personnel reductions must result in the loss of not less than: 2,000 military, civilian, and contractor personnel in an urban labor market area, or 1,000 military, civilian, or contractor personnel in the case of a non-urban labor market area. The Director, OEA, must also determine whether the losses constitute a direct and significant adverse consequence on a community and its residents. Where multiple jurisdictions may be affected by reduced spending and personnel reductions, one program of assistance will be available and the affected jurisdictions will need to combine their efforts into one responsive program.

Applicants for this assistance are to contact OEA and a project manager will be assigned to work with the applicant to determine eligibility for assistance under this program.

Respondents are urged to review the Program Information stated for CFDA Number 12.604, Community Economic Adjustment Assistance for Reductions in Defense Spending at *http://www.cfda.gov,* prior to preparing and/or submitting a proposal.

ii. Cost Sharing or Matching

Cost sharing is required. Generally, not less than 10% of a proposed project shall be derived from non-federal sources.

iii. Other Eligibility Information

Funding will be awarded to only one governmental entity on behalf of a region; therefore, applications on behalf of a multi-jurisdictional region should demonstrate a significant level of cooperation.

Respondents are encouraged to submit proposals that demonstrate appropriate leverage of all public and private resources and programs.

d. Proposal and Submission Information

i. Submission of a Proposal

Proposals should be submitted electronically at *oea.ncr.OEA.mbx.ffo-submit@mail.mil* with a courtesy copy to (*james.p.holland8.civ@mail.mil*). Include ''Community Adjustment Planning Assistance in Response to Reductions in Defense Spending for Force Structure and Personnel'' on the subject line of the message and request delivery/read confirmation to ensure receipt.

Proposals may also be mailed or hand-delivered to: Director, Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202–3711.

ii. Content and Form of Proposal Submission

A proposal from a state on behalf of itself must demonstrate how the proposed grant would support local community adjustment planning and initiatives that assess the impact of a Defense spending reduction for force structure and personnel. The submission should state specifically the announced, or actual, force structure and personnel reduction numbers at their location. The submission should describe how the grantee will, operate and maintain a community-based organization to represent the impacted area and its workers, businesses, and help communities prepare cost effective strategies and action plans for sustainable economic recovery; and/or carry out a community adjustment and economic diversification program; plan and carry out local economic adjustment programs. Programs may include but are not limited to: Feasibility studies; organizational staffing, operating and administrative expenses; redevelopment and economic development capacity building; public outreach; and other activities necessary for a community to capably respond to the adverse impacts of Defense spending reductions on local schools, housing markets, and central business districts, etc. Assistance may not be used to seek to reverse or to oppose announced Defense spending reductions.

(a) Project Parties: A description of the partner jurisdictions, agencies, organizations, and their roles and responsibilities to carry out the proposed project. Letters of support may be included as attachment and will not count against the ten-page limit;

(b) Grant Funds and Other Sources of Funds: A summary of local needs, including the need for Federal funding, and an overview of all State and local funding sources, including the funds requested under this notice;

(c) Project Schedule: A sufficiently detailed project schedule, including milestones;

(d) Performance Milestones: A description of milestones to be tracked and evaluated over the course of the project to gauge performance of the project;

(e) Grants Management: Evidence of the respondent's ability and authority to manage Federal grant funds;

(f) Submitting Official: Documentation that the Submitting Official is authorized by the respondent to submit a proposal and subsequently apply for assistance.

The proposal should be emailed to the account identified in Section II.d, and in Microsoft Word or Adobe Acrobat PDF format. OEA reserves the right to ask any respondent to supplement the information in its proposal, but expects the proposal to be complete upon submission. To the extent practicable, OEA encourages respondents to provide data and evidence of all project merits in a form that is publicly available and verifiable.

iii. Unique Entity Identifier and System for Award Management (SAM)

Each respondent is required to: (a) Provide a valid Dun and Bradstreet Universal Numbering System (DUNS) number; (b) be registered in the System

for Award Management (SAM) before submitting its application; and (c) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. OEA may not make a Federal award to a respondent until the respondent has complied with all applicable unique entity identifier and SAM requirements.

iv. Submission Dates and Times

Proposals will be considered on a continuing basis, subject to available appropriations, commencing on the date of publication of this notice. The end date for this program has not yet been determined. OEA will evaluate all proposals and provide a response to each respondent via email within 30 business days of OEA's receipt of a final, complete grant proposal.

v. Funding Restrictions

The following are unallowable activities under this grant program:

- Construction;
- Proposed activities for grants under this program should not duplicate nor replicate activities otherwise eligible for or funded through other Federal programs; and,
- International travel.

OEA reserves the right to decline to fund pre-Federal award costs. Final awards may include pre-Federal award costs at the discretion of OEA; however, this must be specifically requested in the grantee's final application.

vi. Other Submission Requirements

All respondents will submit all proposal materials electronically as an emailed attachment in Microsoft Word or Adobe Acrobat PDF format.

e. Application Review Information

i. Selection Criteria

(a) An appropriate and clear project design to address the need, problem, or issue identified;

(b) Evidence of an effective approach;

(c) The innovative quality of the proposed approach; and

(d) A reasonable proposed budget with a non-Federal match commitment and schedule for completion of the work program specified.

ii. Review and Selection Process

All proposals will be reviewed on their individual merit by a panel of OEA staff. OEA will notify the respondent within thirty (30) days of receipt of a proposal whether their proposal was successful. The successful respondent will then be instructed to submit an application through OEA's grants management system, EADS 2. OEA will assign a Project Manager to advise and assist successful respondents in the preparation of the application. Grant applications will be reviewed for their completeness and accuracy and a grant award notification will be issued, to the extent possible, within seven (7) business days from its receipt.

Unsuccessful respondents will be notified that their proposal was not selected for further action and funding, and may request a debriefing on their submitted proposal. When applicable, OEA may include information about other applicable federal grant programs in this communication. Requests for debriefing must be submitted in writing within 3 calendar days of notification of an unsuccessful proposal.

OEA is committed to conducting a transparent financial assistance award process and to publicizing information about funding decisions. Respondents are advised that their respective applications and information related to their review and evaluation may be shared publicly. Any proprietary information must be identified as such in the proposal and application. In the event of a grant award, information about project progress and related results may also be made publicly available.

f. Federal Award Administration Information

i. Federal Award Notices

In the event a grant is ultimately awarded, the successful respondent (Grantee) will receive a notice of award in the form of a Grant Agreement, signed by the Director, OEA (Grantor), on behalf of DoD. The Grant Agreement will be transmitted electronically or, if necessary, by U.S. mail.

ii. Administrative and National Policy Requirements

Any grant awarded under this program will be governed by the provisions of the OMB circulars applicable to financial assistance and DoD's implementing regulations in place at the time of the award. A Grantee receiving funds under this opportunity and any consultant or pass-thru entity operating under the terms of a grant shall comply with all Federal, State, and local laws applicable to its activities. Federal regulations that will apply to an OEA grant include administrative requirements and provisions governing allowable costs as stated in:

- 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'';
- 2 CFR part 1103, ''Interim Grants and Cooperative Agreements Implementation of Guidance in 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards'';
- 2 CFR part 25, ''Universal Identifier and System for Award Management'';
- 2 CFR part 170, ''Reporting Subaward and Executive Compensation Information'';
- 2 CFR part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), as implemented by DoD in 2 CFR part 1125, Department of Defense Nonprocurement Debarment and Suspension; and
- 32 CFR part 28, ''New Restrictions on Lobbying''.

iii. Reporting

OEA requires periodic performance reports, an interim financial report for each 12 months a grant is active, and one final performance report for any grant. The performance reports will contain information on the following:

(a) A comparison of actual accomplishments to the objectives established for the period;

(b) reasons for slippage if established objectives were not met;

(c) additional pertinent information when appropriate;

(d) a comparison of actual and projected quarterly expenditures in the grant; and,

(e) the amount of Federal cash on hand at the beginning and end of the reporting period.

The final performance report must contain a summary of activities for the entire grant period. All required deliverables should be submitted with the final performance report.

The final SF 425, ''Federal Financial Report,'' must be submitted to OEA within 90 days after the end of the grant.

Any grant funds actually advanced and not needed for grant purposes shall be returned immediately to OEA. Upon award, OEA will include a schedule for reporting periods and report due dates in the Grant Agreement.

III. Federal Awarding Agency Contacts

For further information, to answer questions, or for help with problems, contact: Mr. James Holland (Program Director), Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202–3711, Office: (703) 697 2188, Email: *james.p.holland8.civ@mail.mil.*

The OEA homepage address is: *http://www.oea.gov.*

IV. Other Information

a. Grant Award Determination

Selection of an organization under this FFO does not constitute approval of a grant for the proposed project as submitted. Before any funds are awarded, OEA may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support implementation of the award. The amount of available funding may require the final award amount to be less than that originally requested by the respondent. If the negotiations do not result in a mutually acceptable submission, OEA reserves the right to terminate the negotiations and decline to fund an application. OEA further reserves the right not to fund any proposal received under this FFO.

In the event OEA approves an amount that is less than the amount requested, the respondent will be required to modify its grant application to conform to the reduced amount before execution of the grant agreement. OEA reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the respondent within 15 working days from the date the request for modification is made. Any modifications must be within the scope of the original application and approved by both the Grantee and OEA. OEA reserves the right to cancel any award for non-performance.

b. No Obligation for Future Funding

Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of OEA.

c. Intellectual Property Rights

In the event of a grant award, the Grantee may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agencies reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. The Grantee may not use Federal funds to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income and shall be added to the grant and must be expended for allowable grant activities.

Dated: March 15, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–06142 Filed 3–17–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0069]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 18, 2016.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and Omb Number: Technical Assistance for Public Participation (TAPP) Application, DD Form 2749, OMB Control Number 0704–0392.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Number of Respondents: 25.

Responses per Respondent: 2.

Annual Responses: 50.

Average Burden per Response: 4 hours.

Annual Burden Hours: 200.

Needs and Uses: The information collection requirement is necessary to identify products or services requested by community members of restoration advisory boards or technical review committees to aid in their participation in the Department of Defense's environmental restoration program, and to meet Congressional reporting requirements.

Affected Public: Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Omb Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: March 15, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–06121 Filed 3–17–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0028]

Agency Information Collection Activities; Comment Request; Annual and Final Performance Report Data Collection for Arts in Education Grantees

AGENCY: Office of Innovation and Improvement (OII), 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 new information collection.

DATES: Interested persons are invited to submit comments on or before May 17, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0028. 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–105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Doug Herbert, 202–401–3813.

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: Annual and Final Performance Report Data Collection for Arts in Education Grantees.

OMB Control Number: 1855–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 98.

Total Estimated Number of Annual Burden Hours: 3,920.

Abstract: The Government Performance and Results Act (GPRA) requires all federally funded agencies to develop and implement an accountability system based on performance measurement. This regulation applies to grantees receiving funds from the Dept. of ED's Office of Innovation and Improvement AEMDD, PDAE, and AENP programs. Each grantee is required to report on performance and progress towards GPRA measures as a condition of the grant. Data for GPRA performance measures are collected through the Annual Performance Report (APR) completed by grantees. The APR also collects budget information and data on project-specific performance measures. The forms being submitted for OMB review are APR templates that expand on the ED 524–B form to gather additional data on performance from Arts in Education grantees in a streamlined manner. Performance data are used to help make decisions about continued funding for grantees and to show overall program progress by aggregating GPRA data across grantees. GPRA data may be also be used by Congress to determine future program funding.

Dated: March 14, 2016.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–06070 Filed 3–17–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0030]

Agency Information Collection Activities; Comment Request; Study of Title I Schoolwide and Targeted Assistance Programs

AGENCY: Office of Planning, Evaluation and Policy Development (OPEPD), 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 new information collection.

DATES: Interested persons are invited to submit comments on or before May 17, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0030. 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 Cassidy Walsh, 202–260–2493.

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: Study of Title I Schoolwide and Targeted Assistance Programs.

OMB Control Number: 1875—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 2,104.

Total Estimated Number of Annual Burden Hours: 2,598.

Abstract: The U.S. Department of Education (Department) requests OMB clearance for data collection activities associated with the Study of Title I Schoolwide and Targeted Assistance Programs. The purpose of this study is to provide a detailed analysis of the types of strategies and activities implemented in title I schoolwide program (SWP) and targeted assistance program (TAP) schools, how different configurations of resources are used to support these strategies, and how local officials make decisions about the use of these varied resources. To this end, the study team will conduct site visits to a set of 40 case study schools that will involve in-person and telephone interviews with title I district officials and school staff involved in title I administration. In addition, the study team will collect and review relevant extant data and administer surveys to a nationally representative sample of principals and school district administrators. Both the case study and survey samples include title I SWP and TAP schools. Clearance is requested for the case study and survey components of the study, including its purpose, sampling strategy, data collection procedures, and data analysis approach.

Dated: March 15, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–06147 Filed 3–17–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity (NACIQI), Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda for the June 22, 23, and 24, 2016 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), outlines certain new meeting procedures, and provides information to members of the public on submitting written comments and on requesting to make oral comments at the meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (FACA) and section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

DATES: The NACIQI meeting will be held on June 22, 23, and 24, 2016, from 8:30 a.m. to 5:30 p.m.

ADDRESSES: The exact location of the meeting will be published no later than May 23, 2016 in the **Federal Register** and on the Department's Web site at *http://www2.ed.gov/about/bdscomm/list/naciqi.html#meetings* by

FOR FURTHER INFORMATION CONTACT: Jennifer Hong, Executive Director/Designated Federal Official, NACIQI, U.S. Department of Education, 400 Maryland Avenue SW., Room 6W250, Washington, DC 20202, telephone: (202) 453–7805, or email: *Jennifer.Hong@ed.gov.*

SUPPLEMENTARY INFORMATION:

NACIQI's Statutory Authority and Function: The NACIQI is established under section 114 of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1011c. The NACIQI advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2, part H, title IV of the HEA, as amended.
- The recognition of specific accrediting agencies or associations or a specific State public postsecondary vocational education or nurse education approval agency.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary may prescribe.

Meeting Agenda: Below is a list of agencies, including their current and requested scopes of recognition, scheduled for review during the June 2016 meeting:

Applications for Renewal of Recognition

1. Accreditation Commission for Acupuncture and Oriental Medicine

Scope of Recognition: The accreditation and preaccreditation (''Candidacy Status'') throughout the United States of first-professional master's degree and professional master's level certificate and diploma programs in acupuncture and Oriental Medicine and professional post-graduate doctoral programs in acupuncture and in Oriental Medicine (DAOM), as well as freestanding institutions and colleges of acupuncture or Oriental Medicine that offer such programs.

Title IV Note: Only freestanding institutions or colleges of acupuncture or Oriental medicine may use accreditation by this agency to establish eligibility to participate in Title IV programs. Students enrolled in first professional and professional degree programs do not qualify as graduate or professional students for Title IV purposes unless they have completed the equivalent of at least three years of full-time study either prior to entrance into the program or as part of the program itself, and unless they meet the additional requirements of the definition of ''graduate or professional student'' at 34 CFR 668.2.

2. Accrediting Bureau of Health Education Schools

Scope of Recognition: The accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician, and surgical technology programs, leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, Academic Associate degree, or Baccalaureate degree, including those offered via distance education.

Title IV Note: Only freestanding allied health education institutions and institutions that offer predominantly allied health programs may use accreditation by this agency to establish eligibility to participate in Title IV programs.

3. Accrediting Commission of Career Schools and Colleges

Scope of recognition: The accreditation of private, postsecondary, non-degree-granting institutions and degree-granting institutions in the United States, including those granting associate, baccalaureate and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.

4. Accrediting Council for Independent Colleges and Schools

Scope of recognition: The accreditation of private, postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

5. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar

Scope of recognition: The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law, including those offered via distance education, as well as freestanding law schools offering such programs. This recognition also extends to the Accreditation Committee of the Section of Legal Education (Accreditation Committee) for decisions involving continued accreditation (referred to by the agency as ''approval'') of law schools.

Title IV Note: Only freestanding law schools may use accreditation by this agency to establish eligibility to participate in Title IV programs.

6. American Osteopathic Association, Osteopathic College Accreditation

Scope of recognition: The accreditation and preaccreditation (''Provisional Accreditation'') throughout the United States of freestanding institutions of osteopathic medicine and of osteopathic medical programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine.

Title IV Note: Only freestanding schools or colleges of osteopathic medicine may use accreditation by this agency to establish eligibility to participate in Title IV programs.

7. American Psychological Association, Commission on Accreditation

Scope of recognition: The accreditation in the United States of doctoral programs in clinical, counseling, school and combined professional-scientific psychology; doctoral internship programs in health service psychology; and postdoctoral residency programs in health service psychology. The preaccreditation in the United States of doctoral internship programs in health services psychology; and postdoctoral residency programs in health service psychology.

8. Commission on Accrediting of the Association of Theological Schools

Scope of recognition: The accreditation of theological schools and seminaries, as well as schools or programs that are parts of colleges or universities, in the United States, offering post-baccalaureate degrees in professional and academic theological education, including delivery via distance education.

Title IV Note: Only freestanding institutions, colleges, or seminaries of theology may use accreditation by this agency to establish eligibility to participate in Title IV programs.

9. Council on Occupational Education

Scope of recognition: The accreditation and preaccreditation (''Candidacy Status'') throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education.

10. Transnational Association of Christian Colleges and Schools, Accreditation Commission

Scope of recognition: The accreditation and preaccreditation (''Candidate'' Status) of Christian postsecondary institutions in the United States that offer certificates, diplomas, and associate, baccalaureate, and graduate degrees, including institutions that offer distance education.

Compliance Reports

1. American Veterinary Medical Association, Council on Education

Scope of recognition: The accreditation and preaccreditation (''Provisional Accreditation'') in the United States of programs leading to professional degrees (D.V.M. or D.M.D.) in veterinary medicine.

2. Northwest Commission on Colleges and Universities

Scope of recognition: The accreditation and preaccreditation (''Candidacy Status'') of postsecondary degree-granting educational institutions in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and the accreditation of programs offered via distance education within these institutions. (Compliance report on 34 CFR 602.24(a) and 602.24(b) for findings affirmed on appeal by the Secretary. Please see *http://oha.ed.gov/secretarycases/2014-7-O-S.pdf* for the Secretary's appeal decision.)

Review of Accrediting Agencies Under 34 CFR 602.33 for Failure To Submit a Renewal Application Under 34 CFR 602.31(a)

1. National Council for Accreditation of Teacher Education

Scope of recognition: The accreditation throughout the United States of professional education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools, including programs offering distance education.

2. Teacher Education Accreditation Council, Accreditation Committee

Scope of recognition: The accreditation and pre-accreditation throughout the United States of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K–12 teachers.

State Approval Agency for Public Postsecondary Vocational Education—Application for Renewal of Recognition

Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs.

NACIQI Policy Agenda

NACIQI will continue discussion regarding its policy agenda, in light of the following meeting procedures.

Meeting Discussion

In addition to following the HEA, FACA, implementing regulations, and the NACIQI charter, as well as its customary procedural protocols, NACIQI inquiries will include the questions and topics listed in the pilot plan it adopted at its December 2015 meeting. Documents entitled ''June 2016 Pilot Plan'' and ''June 2016 Meeting Plan Draft,'' both linked on the NACIQI Web site at *http://www2.ed.gov/about/bdscomm/list/naciqi.html* under the heading ''June 2016 Meeting,'' outline this pilot and provide further explanation and context framing NACIQI's work. As noted in those documents, NACIQI's reviews of accrediting agencies will include consideration of data and information available on College Scorecard, *https://collegescorecard.ed.gov/* and on the Department's accreditation Web site, *http://www.ed.gov/accreditation?src=rn.* Accrediting agencies that will be reviewed for renewal of recognition will not be on the consent agenda and are advised to come prepared to answer questions related to the following:

- Decision activities of and data gathered by the agency.
  - NACIQI will inquire about the range of accreditation activities of the agency since its prior review for recognition, including discussion about the various favorable, monitoring, and adverse actions taken. Information about the primary standards cited for the monitoring and adverse actions that have been taken will be sought.
  - NACIQI will also inquire about what data the agency routinely gathers about the activities of the institutions it accredits and about how that data is used in their evaluative processes.
- Standards and practices with regard to student achievement.
  - How does your agency address ''success with respect to student achievement'' in the institutions it accredits?
  - Why was this strategy chosen? How is this appropriate in your context?
  - What are the student achievement challenges in the institutions accredited by your agency?
  - What has changed/is likely to change in the standards about student achievement for the institutions accredited by your agency?
  - In what ways have student achievement results been used for monitoring or adverse actions?
- Agency activities in improving program/institutional quality.
  - How does this agency define ''at risk'' status?
  - What tools does this agency use to evaluate ''at risk'' status?
  - What tools does this agency have to help ''at risk'' institutions improve?
  - What can the agency tell us about how well these tools for improvement have worked?

To the extent NACIQI's questions go to improvement of institutions and programs that are not at risk of falling into noncompliance with agency requirements, the responses will be used to inform NACIQI's general policy recommendations to the Department rather than its recommendations regarding recognition of any individual agency.

The discussions and issues described above regarding the pilot are in addition to, rather than substituting for, exploration by Committee members of any topic relevant to recognition.

Submission of written comments regarding a specific accrediting agency or state approval agency under review: Written comments about the recognition of a specific accrediting or State agency must be received by April 8, 2016, in the *ThirdPartyComments@ed.gov* mailbox and include the subject line ''Written Comments: (agency name).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Comments about an agency's recognition after review of a compliance report must relate to issues identified in the compliance report and the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Comments about the renewal of an agency's recognition based on a review of the agency's petition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, or the Criteria and Procedures for Recognition of State Agencies for Approval of Public Postsecondary Vocational Education, as appropriate, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.*

Only material submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations. Please do not send material directly to NACIQI members.

Submission of requests to make an oral comment regarding a specific accrediting agency or state approval agency under review: There are two methods the public may use to make a third-party oral comment of three minutes concerning one of the agencies scheduled for review at the June 22, 23, and 24, 2016 meeting.

Method One: Submit a request by email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. Requests must be received by April 29, 2016, and include the subject line ''Oral Comment Request: (agency name).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made during the oral presentation. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak.

Method Two: Register at the meeting location on June 22, 2016, from 7:30 a.m.–8:30 a.m. to make an oral comment during NACIQI's deliberations concerning a particular agency or institution scheduled for review. The requestor must provide his or her name, title, organization/affiliation, mailing address, email address, and telephone number. A total of up to fifteen minutes during each agency review will be allotted for oral commenters who register on June 22, 2016 by 8:30 a.m. Individuals will be selected on a first-come, first-served basis. If selected, each commenter may not exceed three minutes. The oral comments made will become part of the official record and will be considered by the Department and NACIQI in their deliberations. No individual in attendance or making oral presentations may distribute written materials at the meeting.

Comments about an agency's recognition after review of a compliance report must relate to issues identified in the compliance report and the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Comments about the renewal of an agency's recognition based on a review of the agency's petition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, or the Criteria and Procedures for Recognition of State Agencies for Approval of Public Postsecondary Vocational Education, as appropriate, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.*

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI Web site 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 400 Maryland Avenue SW., Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 453–6185 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

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 Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.*

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1011c.

Lynn B. Mahaffie,

Deputy Assistant Secretary for Planning, Policy and Innovation, delegated the duties of Assistant Secretary for Postsecondary Education.

[FR Doc. 2016–06169 Filed 3–17–16; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9943–95–OA]

Request for Nominations of Experts To Augment the Science Advisory Board Chemical Assessment Advisory Committee for the Review of the EPA's Draft Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to augment the SAB Chemical Assessment Advisory Committee (CAAC) for the review of the EPA's draft Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) in Support of Summary Information on the Integrated Risk Information System (IRIS).

DATES: Nominations should be submitted by April 8, 2016 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact the Designated Federal Officer for the review, as identified below. Nominators unable to submit nominations electronically as described below may contact the Designated Federal Officer for assistance. General information concerning the EPA SAB can be found at the EPA SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Chemical Assessment Advisory Committee (CAAC) is a subcommittee of the SAB that provides advice through the chartered SAB regarding assessments of environmental chemicals available on EPA's Integrated Risk Information System (IRIS). The SAB and the CAAC, augmented with additional experts, will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The National Center for Environmental Assessment (NCEA) in the EPA's Office of Research and Development (ORD) develops toxicological reviews/assessments for various chemicals for IRIS. NCEA is developing a draft IRIS assessment for Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) and has asked the SAB to peer review the draft document. The SAB Staff Office is seeking experts to augment the SAB CAAC for this peer review.

This draft will be a reassessment of RDX. NCEA's draft *Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)* currently posted to the IRIS database includes an oral reference dose (RfD) (posted in 1988), and a cancer descriptor and oral cancer slope factor (posted in 1990). Epidemiological data, experimental animal data, and other relevant data from studies of the noncancer and cancer effects of RDX are being evaluated in this reassessment. The reassessment is expected to include an updated RfD and oral cancer assessment.

Technical Contact for EPA's draft assessment: For information concerning the EPA draft assessment, please contact Dr. Samantha Jones, National Center for Environmental Assessment, Office of Research and Development, U.S. EPA, 1200 Pennsylvania Avenue NW., Mail Code 8601P, Washington, DC 20460, phone (703) 347–8580 or via email at *jones.samantha@epa.gov.*

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise and research to augment the CAAC for the peer review of the RDX toxicological review. The SAB Staff Office seeks experts in one or more of the following areas, with a particular focus on RDX: Neurotoxicity; kidney/urogenital expertise [preferably with some experience with the prostate]; reproductive/developmental toxicity; general toxicology; carcinogenicity; physiologically-based pharmacokinetic (PBPK) modeling including toxicokinetic considerations; and quantitative risk assessment expertise specifically related to dose-response modeling of animal data. Questions regarding this review should be directed to Dr. Suhair Shallal, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2057, or via email at *shallal.suhair@epa.gov.*

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the augmented CAAC panel identified in this notice.

Nominations should be submitted in electronic format (preferred over hard copy) using the online nomination form under the ''Nomination of Experts'' category at the bottom of the SAB home page at *http://www.epa.gov/sab.* To receive full consideration, nominations should include all of the information requested below.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Dr. Shallal as noted above. Nominations should be submitted in time to arrive no later than April 8, 2016. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates for the CAAC RDX panel on the SAB Web site at *http://*

www.epa.gov/sab (see links under ''Public Input on Membership'' at the bottom of the SAB home page). Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming this expert panel, the SAB Staff Office will consider public comments on the List of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded from the following URL address: *http://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument.*

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/WebFiles/OverviewPanelForm/$File/ec02010.pdf.*

Dated: March 14, 2016.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2016–06203 Filed 3–17–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9026–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements

Filed 03/07/2016 Through 03/11/2016

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20160059, Draft, NASA, FL, PROGRAMMATIC—Kennedy Space Center, Center-Wide Operations, Comment Period Ends: 05/02/2016, Contact: Don Dankert 321–861–1196.

EIS No. 20160060, Draft, USN, RI, Disposal and Reuse of Surplus Property at Naval Station Newport, Comment Period Ends: 05/02/2016, Contact: James Anderson 843–963–4991.

EIS No. 20160061, Draft, BOEM, LA, Outer Continental Shelf Oil and Gas Leasing Program: 2017–2022, Comment Period Ends: 05/02/2016, Contact: Dr. Jill K. Lewandowski 703–787–1703.

EIS No. 20160062, Draft, ARS, ID, U.S. Sheep Experiment Station Grazing and Associated Activities Project, Comment Period Ends: 05/02/2016, Contact: Christine Handler 559–920–2188.

Dated: March 15, 2016.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2016–06155 Filed 3–17–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0807]

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 May 17, 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: 3060–0807.

Title: Section 51.803, Procedures for Commission Notification of a State Commission's Failure to Act; Supplemental Procedures for Petitions Pursuant to Section 252(e)(5) of the Communications Act of 1934, as amended.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and state, local or tribal government.

Number of Respondents and Responses: 60 respondents; 60 responses.

Estimated Time per Response: 40 hours per requirement.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 252(e)(5) as amended by the Communications Act of 1934, as amended.

Total Annual Burden: 1,600 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting petitioners to submit confidential information to the Commission.

Needs and Uses: Any interested party seeking preemption of a state commission's jurisdiction based on the state commission's failure to act shall notify the Commission as follows: (1) File with the Secretary of the Commission a detailed petition, supported by an affidavit, that states with specificity the basis for any claim that it has failed to act; and (2) serve the state commission and other parties to the proceeding on the same day that the party serves the petition on the Commission. Within 15 days of filing the petition, the state commission and parties to the proceeding may file a response to the petition. In an OMB-approved Public Notice, DA 97–2540, released December 4, 1997, the Commission set forth procedures for filing petitions for preemption pursuant to section 252(e)(5). Section 252(e)(5) provides that ''if a state commission fails to act to carry out its responsibility under this section in any proceeding or other matter under this section, then the Commission shall issue an order preempting the state commission's jurisdiction of the proceeding or matter within 90 days after being notified (or taking notice) of such failure, and shall assume the responsibility of the state commission under this section with respect to the proceeding or matter and act for the state commission.'' All of the requirements are used to ensure that petitioners have complied with their obligations under the Communications Act of 1934, as amended.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer. Office of the Secretary.

[FR Doc. 2016–06111 Filed 3–17–16; 8:45 am]

BILLING CODE 6712–01–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 April 4, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Kenneth Ray Lehman,* Arlington, Virginia; to acquire voting shares of Liberty Shares, Inc., and thereby indirectly acquire voting shares of The Heritage Bank, both in Hinesville, Georgia.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Warren E. Hansen Sr., managing member of 205 MacArthur LLC; 205 MacArthur LLC, all of Mukwonago, Wisconsin; together with Eunice Hansen and Warren E. Hansen Jr., both of Delavan, Wisconsin; Wayne E. Martin and Donna J. Martin, both of Waterloo, Wisconsin; Todd Martin and Jacquilin Martin, both of Sun Prairie, Wisconsin; Ann C. Hansen, Fitchburg, Wisconsin; Timothy W. Hansen, Delavan, Wisconsin; Jill Wattles and Kevin Wattles, both of Falls Church, Virginia; and Andrew C. Hansen,* Delavan, Wisconsin, as a group acting in concert; to retain voting shares of Citizens Bank Holding, Inc., and thereby indirectly retain voting shares of Citizens Bank, both in Mukwonago, Wisconsin.

Board of Governors of the Federal Reserve System, March 15, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–06152 Filed 3–17–16; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10592]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: The necessity and utility of the proposed information collection for the proper performance of the agency's functions; the accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by April 18, 2016.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs,

Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. The term ''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 publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection of information; *Title of Information Collection:* Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers; *Use:* Section 1321(a) requires HHS to issue regulations setting standards for meeting the requirements under Title I of the Affordable Care Act including the offering of qualified health plans through the Marketplaces. On March 27, 2012, HHS published the rule CMS–9989–F: *Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers.* The Exchange rule contains provisions that mandate reporting and data collections necessary to ensure that health insurance issuers are meeting the requirements of the Affordable Care Act. These information collection requirements are set forth in 45 CFR part 156. The data collection and reporting requirements will assist HHS in creating a seamless and coordinated system of eligibility and enrollment. The data collected by health insurance issuers will help to inform HHS, Marketplaces, and health insurance issuers as to the participation of individuals, employers, and employees in the individual Exchange. *Form Number:* CMS–10592 (OMB control number: 0938–NEW); *Frequency:* Annually, Monthly, Occasionally; *Affected Public:* Private Sector; Business or other for-profit; *Number of Respondents:* 1,200; *Total Annual Responses:* 1,200; *Total Annual Hours:* 590,460. (For policy questions regarding this collection contact Beth Liu at 301–492–4135.)

Dated: March 15, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–06191 Filed 3–17–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1658–N]

RIN 0938–ZB23

Medicare Program; Inpatient Prospective Payment Systems; 0.2 Percent Reduction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: Pursuant to the court's October 6, 2015 order in *Shands Jacksonville Medical Center, Inc.,* v. *Sebelius,* No. 14–263 (D.D.C.) and consolidated cases that challenge the 0.2 percent reduction in FY 2014 inpatient prospective payment systems (IPPS) rates to account for the estimated $220 million in additional FY 2014 expenditures resulting from the 2-midnight policy, we are currently scheduled to publish a notice in the **Federal Register** responding to comments we have received on these issues, including those received in response to the December 1, 2015 notice with comment period (80 FR 75107). We have moved the court for an extension of the March 18, 2016 deadline until April 27, 2016. We anticipate publishing the notice on or before April 27, 2016.

FOR FURTHER INFORMATION CONTACT: Chava Sheffield (410) 786–2298.

Dated: March 15, 2016.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2016–06297 Filed 3–17–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS Computer Match No. 2016–02]

HHS Computer Match No. 1603; DoD–DMDC Match No. 12

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this Notice re-establishes a computer matching agreement between CMS and the Department of Defense (DoD). We have provided background information about the proposed matching program in the **SUPPLEMENTARY INFORMATION** section below. The Privacy Act requires that CMS provide an opportunity for interested persons to comment on the proposed matching program. We may defer implementation of this matching program if we receive comments that persuade us to defer implementation. See ''Effective Dates'' section below for comment period.

DATES: *Effective Dates:* Comments are invited on all portions of this Notice. Public comments must be submitted within 30-days of publication of this Notice. This computer matching program will become effective no sooner than 40 days after the report of the computer matching program is sent to the Office of Management and Budget and copies of the agreement are sent to Congress, or 30 days after publication in the **Federal Register**, whichever is later.

ADDRESSES: The public should send comments to: CMS Privacy Act Officer, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Enterprise Information, CMS, Room N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through

Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Karen Mandelbaum, Director, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Enterprise Information, CMS, Mail stop N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850, Office Phone: 410–786–1762, Email: *Karen.Mandelbaum@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act of 1974 (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits.

Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;

2. Obtain the Data Integrity Board approval of the matching agreements;

3. Furnish detailed reports about matching programs to Congress and the Office of Management and Budget;

4. Notify applicants and beneficiaries that their records are subject to matching; and,

5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

CMS Computer Matches Subject to the Privacy Act

CMS has taken action to ensure that all computer matching programs that this Agency participates in comply with the requirements of the Privacy Act of 1974, as amended.

Emery Csulak,

Director, ISPG, Chief Information Security Officer, and Senior Official for Privacy, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2016–02

HHS Computer Match No. 1603

DoD–DMDC Match No. 12

NAME:

Computer Matching Agreement between the Centers for Medicare & Medicaid Services and the Defense Manpower Data Center Department of Defense for Disclosure of Enrollment and Eligibility Information for Military Health System Beneficiaries who are Medicare Eligible''

SECURITY CLASSIFICATION:

Unclassified.

PARTICIPATING AGENCIES:

The Centers for Medicare & Medicaid Services (CMS); and Department of Defense (DoD), Defense Manpower Data Center and the Office of the Assistant Secretary of Defense Health Affairs/Defense Health Agency.

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

This computer matching agreement is executed to comply with the Privacy Act of 1974 (Title 5 United States Code (U.S.C.) 552a), as amended, (as amended by Public Law (Pub. L.) 100–503, the Computer Matching and Privacy Protection Act of 1988), the Office of Management and Budget, Circular A–130, titled ''Management of Federal Information Resources'', 61 **Federal Register** 6435 (February 20, 1996), and the Office of Management and Budget guidelines pertaining to computer matching, 54 **Federal Register** 25818 (June 19, 1989).

Prior to 1991, CHAMPUS entitlement terminated when any individual became eligible for Medicare Part A on a non-premium basis. The National Defense Authorization Act(s) (NDAA) for Fiscal Years (FY) 1992 and 1993 (Pub. L. 102–190) § 704, provide for reinstatement of CHAMPUS as second payer for beneficiaries entitled to Medicare on the basis of disability/End Stage Renal Disease (ESRD) only if they also enroll in Medicare Part B.

This agreement implements the information matching provisions of the following section NDAA, FY 1992 (Pub. L. 102–190) Sections 704 and 713; FY 1993 (Pub. L. 102–484) Section 705. FY 1996 (Pub. L. 104–106) Section 732, directed the administering Secretaries to develop a mechanism for notifying beneficiaries of their ineligibility for CHAMPUS when is due to enrollment in Medicare Part A only; and FY 2001 (Pub. L. 106–398) Sections 711 and 712.

PURPOSE(S) OF THE MATCHING PROGRAM:

The purpose of this agreement is to establish the conditions, safeguards and procedures under which CMS will disclose Medicare enrollment information to the DoD, Defense Manpower Data Center, and Health Affairs/Defense Health Agency. The disclosure by CMS will provide Defense Health Agency with the information necessary to determine if Military Health System beneficiaries (other than dependents of active duty personnel), who are enrolled in Medicare Part B, are also eligible to receive continued military health care benefits. This disclosure will provide the Defense Health Agency with the information necessary to meet the Congressional mandate outlined in legislative provisions in the NDAA listed above.

Current law requires the Defense Health Agency to discontinue military health care benefits to Military Health System beneficiaries who become Medicare eligible without enrolling in Medicare Part B. In order for the Defense Health Agency to meet the requirements of current law, CMS agrees to disclose certain Medicare Part A and Part B enrollment data on the Military Health System beneficiary population, which will be used to determine the primary payer of healthcare claims for Military Health System beneficiaries. Defense Manpower Data Center will receive the results of the computer match performed by CMS and provide that information to the Defense Health Agency for use in coordinating the payment of healthcare claims.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:

DoD will use the system of records identified as Defense Manpower Data Center 02 DoD, entitled Defense Enrollment Eligibility Reporting System (DEERS), 77 **Federal Register** 69807 (November 21, 2012). Social Security Numbers of DoD beneficiaries will be released to CMS pursuant to the routine use set forth in the system notice, which provides that data may be released to CMS for the purpose of identifying DoD eligible beneficiaries both over and under 65 who are Medicare eligible.

Identification and Medicare status of Military Health System eligible beneficiaries will be provided to the Defense Health Agency to determine enrollment in Medicare Part B so that CMS and DoD are able to identify the primary payer of healthcare claims. Therefore, eligibility and enrollment information may also be maintained in the system of records identified as Defense Health Agency 07, entitled Military Health Information System

(MHIS), 71 **Federal Register** 16127 (March 30, 2006).

CMS will use data from Enrollment Database (EDB), System No. 09–70–0502, 73 **Federal Register** 10249 (February 26, 2008) to perform them matches against the DEERS data. Matched data will be released pursuant to routine use No. 2 as set forth in the EDB system notice to Defense Manpower Data Center and will be maintain in the DEERS.

INCLUSIVE DATES OF THE MATCH:

The matching program shall become effective no sooner than 40 days after sending the report to the Office of Management and Budget, and 30 days after publication in the **Federal Register** and notice Congress, or whichever is later. The matching program will continue for 18 months from the effective date and may be renewed for an additional 12 month period as long as the statutory language for the matching program exists and other conditions are met.

[FR Doc. 2016–06125 Filed 3–17–16; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10443]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. 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 or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 17, 2016.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10443 Transcatheter Valve Therapy Registry and KCCQ–10

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. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

1. *Type of Information Collection Request:* Extension of a previously approved collection. *Title of Information Collection:* Transcatheter Valve Therapy Registry and KCCQ–10. *Use:* The data collection is required by the Centers for Medicare and Medicaid Services (CMS) National Coverage Determination (NCD) entitled, ''Transcatheter Aortic Valve Replacement (TAVR)''. The TAVR device is only covered when specific conditions are met including that the heart team and hospital are submitting data in a prospective, national, audited registry. The data includes patient, practitioner and facility level variables that predict outcomes such as all cause mortality and quality of life. CMS finds that the Society of Thoracic Surgery/American College of Cardiology Transcatheter Valve Therapy (STS/ACC TVT) Registry, one registry overseen by the National Cardiovascular Data Registry, meets the requirements specified in the NCD on TAVR. The TVT Registry will support a national surveillance system to monitor the safety and efficacy of the TAVR technologies for the treatment of aortic stenosis.

The data will also include the variables on the eight item Kansas City Cardiomyopathy Questionnaire (KCCQ–10) to assess health status, functioning and quality of life. In the KCCQ, an overall summary score can be derived from the physical function, symptoms (frequency and severity), social function and quality of life domains. For each domain, the validity, reproducibility, responsiveness and interpretability have been independently established. Scores are transformed to a range of 0–100, in which higher scores reflect better health status.

The conduct of the STS/ACC TVT Registry and the KCCQ–10 is in accordance with Section 1142 of the Social Security Act (the Act) that describes the authority of the Agency for Healthcare Research and Quality (AHRQ). Under section 1142, research may be conducted and supported on the

outcomes, effectiveness, and appropriateness of health care services and procedures to identify the manner in which disease, disorders, and other health conditions can be prevented, diagnosed, treated, and managed clinically. Section 1862(a)(1)(E) of the Act allows Medicare to cover under coverage with evidence development (CED) certain items or services for which the evidence is not adequate to support coverage under section 1862(a)(1)(A) and where additional data gathered in the context of a clinical setting would further clarify the impact of these items and services on the health of beneficiaries.

The data collected and analyzed in the TVT Registry will be used by CMS to determine if the TAVR is reasonable and necessary (*e.g.,* improves health outcomes) for Medicare beneficiaries under Section 1862(a)(1)(A) of the Act. Furthermore, data from the Registry will assist the medical device industry and the Food and Drug Administration (FDA) in surveillance of the quality, safety and efficacy of new medical devices to treat aortic stenosis. For purposes of the TAVR NCD, the TVT Registry has contracted with the Data Analytic Centers to conduct the analyses. In addition, data will be made available for research purposes under the terms of a data use agreement that only provides de-identified datasets. *Form Number:* CMS–10443 (OMB control number: 0938–1202); *Frequency:* Annual; *Affected Public:* Individuals, Households and Private Sector; *Number of Respondents:* 14,871; *Total Annual Responses:* 59,484; *Total Annual Hours:* 19,184. (For policy questions regarding this collection contact Sarah Fulton at 410–786–2749.)

Dated: March 15, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–06188 Filed 3–17–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7040–N2]

Health Insurance Marketplace℠, Medicare, Medicaid, and the Children's Health Insurance Program; Cancellation of the March 23, 2016 Advisory Panel on Outreach and Education Meeting

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Cancellation of meeting.

SUMMARY: On February 25, 2016, we published a **Federal Register** notice (81 FR 9483) announcing a new meeting of the Advisory Panel on Outreach and Education (APOE) (the Panel), which was scheduled for Wednesday, March 23, 2016. This notice announces the cancellation of the March 23, 2016 meeting.

FOR FURTHER INFORMATION CONTACT: Abigail Huffman, Designated Federal Official, Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–05–06, Baltimore, MD 21244, 410–786–0897, email *Abigail.Huffman1@cms.hhs.gov.* Additional information about the APOE is available on the Internet at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.html.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

Dated: March 15, 2016.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2016–06206 Filed 3–17–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3543]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Quantitative Information in Direct-to-Consumer Television Advertisements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 18, 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-New and title ''Quantitative Information in Direct-to-Consumer Television Advertisements.'' 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.

Quantitative Information in Direct-to-Consumer Television Advertisements OMB Control Number 0910—NEW

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

A previous FDA study found that simple quantitative information could be conveyed in direct-to-consumer (DTC) television ads in ways that increased consumer's knowledge about the drug (OMB control number 0910–0663, ''Experimental Study: Presentation of Quantitative Effectiveness Information to Consumers in Direct-to-Consumer (DTC) Television and Print Advertisements for Prescription Drugs'') (Ref. 1). However, this research only tested simple information (*e.g.,* one clinical trial, comparison to placebo). Drug information can be much more complicated (*e.g.,* complicated endpoints, multiple study arms). The

following studies are designed to address the question of whether consumers can use more complicated information when assessing prescription drug information in television DTC ads. These studies will build on previous research by: (1) Examining more complicated quantitative information, (2) examining quantitative information for both benefits and risks, and (3) examining how visuals designed to represent efficacy interact with quantitative information.

The objective of this project is to test consumers' understanding of quantitative information about prescription drugs in DTC television ads. In study 1, we plan to examine experimentally the presence and complexity of quantitative benefit and risk information in DTC television ads (table 1). We hypothesize that, replicating past studies, adding simple quantitative information about benefits and risks will lead to increased understanding among consumers. We will test whether adding complex quantitative information results in the same outcomes as simple quantitative information or whether it is too much quantitative information for consumers to process. In study 2, we plan to examine experimentally the presence of quantitative benefit information and how the ad visually represents efficacy (by having no images, images that accurately reflect the improvement in health that could be expected with treatment, or images that overstate the improvement in health that could be expected with treatment (table 2)). We hypothesize that overstated images of improvement will lead consumers to overestimate the drug's efficacy; however, adding a quantitative claim may moderate this effect. To test these hypotheses, we will conduct inferential statistical tests such as analysis of variance (ANOVA). With the sample sizes described in this document, we will have sufficient power to detect small-to medium-sized effects in each study.

All participants will be 60 years of age or older. We will exclude individuals who work in health care or marketing. We selected a sample of participants 60 years and older to increase the likelihood that participants will be interested in the fictitious study drug and therefore motivated to pay attention to the ad during the study. The studies will be conducted with an Internet panel.

In both studies, participants will be randomly assigned to one experimental condition and view the corresponding television ad. The ad will be for a fictitious drug to treat cataracts. The ads will be created and pretested to ensure that consumers perceive different levels of complexity across the ads in study 1 and different levels of image accuracy in study 2. ''Pretests for a Study on Quantitative Information in Direct-to-Consumer Television Advertisements'' was submitted under OMB control number 0910–0695. After viewing the ad twice, participants will complete a questionnaire that assesses consumers' understanding of the drug information, their retention of the information, and their perceptions of the drug. We will also measure covariates such as demographics and numeracy. The questionnaires are available upon request.

TABLE 1—STUDY 1 DESIGN

		Quantitative risk claim		
		No	Yes: General (e.g., Side effects that occur in 10% or less of people who take Drug X include . . .).	Yes: Specific (e.g., Side effects that occur in [6–10%, 1–5%, and less than 1%] of people who take Drug X include . . .).
Quantitative Efficacy Claim	No ..... Yes: Single outcome (e.g., 52% of people with cataracts improved their vision to 20/40 while taking Drug X compared to 23% without Drug X. [starting at an average baseline of 20/70]). Yes: Multiple outcomes (e.g., 52% of people with cataracts improved their vision to 20/40 while taking Drug X compared to 23% without Drug X. [starting at an average baseline of 20/70]. With Drug X, people could see an average of 85 letters on a 100-letter eye chart, compared to 73 letters without Drug X.).			

TABLE 2—STUDY 2 DESIGN

		Images of improvement		
		None	Accurate improvement in health conveyed in images.	Overstated improvement in health conveyed in images.
Quantitative Benefit Claim	No Yes (Single outcome)			

In the **Federal Register** of October 13, 2015 (80 FR 61433), FDA published a 60-day notice requesting public comment on the proposed collection of information. Four public comments were received. Two comments called for direct-to-consumer prescription drug advertising to be banned. These comments are outside the scope of the current project. Other comments and their responses follow.

(Comment 1) The first suggestion was that FDA should research the health literacy of approved patient labeling before conducting research on DTC television advertising.

(Response) FDA has a program of research that includes studies on both patient labeling and DTC television advertising (Refs. 1 to 3). This study extends previous research and addresses issues unique to DTC television advertising (*e.g.,* visual representations of efficacy) (Ref. 1). The public is exposed to information about prescription drugs via DTC television advertising and this advertising has a public health impact (Refs. 4 and 5). We disagree that there is a need for approved patient labeling research to be conducted before we study issues unique to DTC television advertising.

(Comment 2) The second suggestion is to consider that because low numeracy individuals are not well-represented in online panels we should implement mechanisms to help validate results across health-literate populations.

(Response) We agree that numeracy may be a crucial variable in this study. We have added a second measure of numeracy (subjective numeracy) and a question on health literacy. We will use these measures to determine whether and how numeracy and health literacy affect our results. If our sample has few individuals with low numeracy, we will note this as a limitation.

(Comment 3) The third suggestion is to use a mixed-method approach, recruiting limited-literacy and low socioeconomic participants for in-person administration of the study and using the Internet panel to gather a broad sample.

(Response) We acknowledge that Internet administration is not perfect and have chosen this method to maximize our budget. We will permit the survey to be taken on a variety of devices. We are excluding phones because the stimuli cannot be fully viewed on a very small screen.

(Comment 4) The fourth suggestion is to use frequencies rather than percentages in the questionnaire.

(Response) A recent review of the literature did not support the view that frequencies are more widely understood than percentages (Ref. 6). This review included two studies conducted in the context of DTC advertising (Refs. 1 and 7). Given these findings, we plan to use percentages in the questionnaire.

(Comment 5) The fifth suggestion is to include a single-item health literacy question to the screener.

(Response) We agree this is an important measure and have added it to the questionnaire.

(Comment 6) This comment requests further rationale for the selection of an older patient population and its impact on the generalizability of study findings to advertisements targeted for younger patient populations.

(Response) Advertising studies often recruit participants who have or who are at risk for the medical condition being advertised to increase interest in the ad and motivation to pay attention to the ad. Older participants are more likely to be at risk for cataracts. In addition, older adults use more prescription drugs and watch more television than younger adults do (Refs. 8 and 9). We will note that the study is not broadly generalizable when we report our findings.

(Comment 7) This comment suggests including a video compatibility test to verify that participants can view the videos and precluding participants from taking the survey using a smartphone device.

(Response) We have added a video compatibility test to the study and will preclude participants from using phones.

(Comment 8) This comment also sought clarification on which stimuli from study 1 will be used in study 2.

(Response) The benefit information in study 2 will be the ''simple'' claim from study 1. Study 2 will not include quantitative risk information. This means that the same ad will be used in the ''simple quantitative benefit claim/no quantitative risk claim'' condition in study 1 and the ''quantitative benefit claim/no images of improvement'' condition in study 2.

(Comment 9) This comment expresses concern that adding complex benefit information in study 1 may cause the content to become unmanageable and suggests adding study arms with more of fewer risks and benefits to assess this.

(Response) Based on this comment and peer reviewer feedback, we will manipulate the complexity of quantitative efficacy claim by adding a second benefit outcome. We have revised the study design tables to reflect this (see tables 1 and 2). The number of risks will be constant but we will manipulate whether and how the frequencies of the risks are presented.

(Comment 10) This comment recommended holding all other aspects outside the variable being tested be held constant across the different treatments.

(Response) We agree with this recommendation. We will create one ad that will be the basis of all the stimuli. We will manipulate this base ad by adding quantitative benefit information, quantitative risk information, and/or images of improvement to create the different experimental conditions, while leaving other factors constant.

(Comment 11) This comment recommends using scales with a neutral midpoint.

(Response) There are advantages and disadvantages to including midpoints in scales (Refs. 10 and 11). Based on responses from similar studies, we have decided to use scales without a midpoint. Instead, we have included a ''don't know'' option for some items that may make participants' responses easier to interpret than a neutral midpoint would.

(Comment 12) This comment noted that without the stimuli it was difficult to tell whether the battery of questions measuring efficacy accuracy was redundant or inapplicable.

(Response) We did not create the stimuli before the public notice so that the public and peer review comments, along with cognitive interviews and pretesting, could inform the creation of the stimuli. Based on peer review, we refined our efficacy claims. We tailored the efficacy accuracy items to reflect the new claims. Some of these questions are designed to measure participants' gist understanding of the drugs' efficacy likelihood and magnitude (Ref. 12). They are not redundant with the questions designed to measure participants' verbatim understanding of the drugs' efficacy likelihood and magnitude. As in previous research, participants in the control condition will not have the information to answer all the accuracy questions (Ref. 1). Instead, this condition serves as a baseline with which to compare the experimental conditions. We added a ''don't know'' option so that these participants can report that they do not know the answer.

(Comment 13) This comment suggested reordering questions so that the perception and intention questions appeared before the questions about efficacy and risk information.

(Response) Based on peer review, we moved the gist questions before the accuracy questions, but we did not move intentions and perceptions before gist and accuracy. We understand the value in getting obtaining intentions and perceptions unbiased by the other

measures. However, we put the gist and accuracy measures first because they are our primary measures; therefore, we want to decrease potential memory decay and ensure the gist and accuracy measures are not biased.

(Comment 14) This comment questioned whether three risk claim accuracy questions in study 1 were redundant with each other and how the stimulus will list frequencies for the risks.

(Response) We updated table 1 to show how risks will be described in each condition. The terms ''least common'' and ''most common'' will not be used in the ads. The questions are not redundant. One question (previously Q17) asks participants to report the frequency for each risk. The other two questions (previously Q20 and Q21) ask participants whether they got the ''gist'' of how common the risks are. If participants are able to understand the gist of the information, then those in the two quantitative risk information conditions should be able to report that the most common risks had a frequency of roughly 10 percent and participants in the specific quantitative risk information condition should be able to report that the least common risks had a frequency of roughly 1 percent. We will cognitively test and pretest these items.

(Comment 15) This comment suggests adding ''don't know'' options to the perceived efficacy and risk questions.

(Response) We added a ''don't know'' option to the questions that ask participants to compare the advertised drug's risks and benefits to other treatments.

FDA estimates the burden of this collection of information as follows:

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN [1]—STUDY 1

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Sample outgo	15,130				
Number to complete the screener (10%)	1,513	1	1,513	0.05 (3 minutes)	76
Number eligible for survey (70%)	1,059				
Number to complete the survey (85%)	900	1	900	0.33 (20 minutes)	297
Total			2,413		373

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN [1]—STUDY 2

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Sample outgo	15,130				
Number to complete the screener (10%)	1,513	1	1,513	0.05 (3 minutes)	75.65
Number eligible for survey (70%)	1,059				
Number to complete the survey (85%)	900	1	900	0.33 (20 minutes)	297
Total			2,413		372.65

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. References

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

1. O'Donoghue, A.C., H.W. Sullivan, K.J. Aikin, et al., ''Presenting Efficacy Information in Direct-To-Consumer Prescription Drug Advertisements,'' *Patient Education and Counseling,* 95(2):271–280, 2014.
2. Boudewyns, V., A.C. O'Donoghue, B. Kelly, et al., ''Influence of Patient Medication Information Format on Comprehension and Application of Medication Information: A Randomized, Controlled Experiment,'' *Patient Education and Counseling,* 98(12):1592–1599, 2015.
3. Kish-Doto, J., M. Scales, P. Equino-Medina, et al., ''Preferences for Patient Medication Information: What Do Patients Want?'' *Journal of Health Communication,* 19(suppl 2):77–88, 2014.
4. Brownfield, E.D., J.M. Bernhardt, J.L. Phan, et al., ''Direct-To-Consumer Drug Advertisements on Network Television: An Exploration of Quantity, Frequency, and Placement,'' *Journal of Health Communication,* 9(6):491–497, 2004.
5. Niederdeppe, J., S. Byrne, R.J. Avery, et al., ''Direct-To-Consumer Television Advertising Exposure, Diagnosis With High Cholesterol, and Statin Use,'' *Journal of General Internal Medicine,* 28(7):886–893, 2013.
6. Zipkin, D.A., C.A. Umscheid, N.L. Keating, et al., ''Evidence-Based Risk Communication: A Systematic Review,'' *Annals of Internal Medicine,* 161:270–280, 2014.
7. Woloshin, S. and L.M. Schwartz, ''Communicating Data About the Benefits and Harms of Treatment: A Randomized Trial,'' *Annals of Internal Medicine,* 155:87–96, 2011.
8. Zhong, W., H. Maradit-Kremers, J.L. St. Sauver, et al., ''Age and Sex Patterns of Drug Prescribing in a Defined American Population,'' *Mayo Clinic Proceedings,* 88(7):697–707, 2013.
9. Depp, C.A., D.A. Schkade, W.K. Thompson, et al., ''Age, Affective Experience, and Television Use,'' *American Journal of Preventive Medicine,* 39:173–178, 2010.
10. Moors, G., ''Exploring the Effect of a Middle Response Category on Response Style in Attitude Measurement,'' *Quality & Quantity,* 42(6):779–794, 2008.
11. Sturgis, P., C. Roberts, and P. Smith, ''Middle Alternatives Revisited: How the Neither/Nor Response Acts as a Way of Saying ''I Don't Know?'' *Sociological Methods & Research,* 43(1):15–38, 2014.
12. Reyna, V.F., ''How People Make Decisions That Involve Risk: A Dual-Process Approach,'' *Current Directions in Psychological Science,* 13:60–66, 2004.

Dated: March 14, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–06126 Filed 3–17–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–0620]

Question-Based Review for the Chemistry, Manufacturing, and Controls Technical Section of Animal Drug Applications; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (GFI) #234 entitled ''Question-Based Review for the Chemistry, Manufacturing, and Controls Technical Section of Animal Drug Applications.'' In order to improve the process for submission and review of chemistry, manufacturing, and controls (CMC) information for animal drugs, the Center for Veterinary Medicine (CVM) has developed a series of questions that focus on the critical scientific and regulatory issues and pharmaceutical attributes essential for ensuring the quality of new animal drug substances and products. Termed Question-based Review (QbR), these questions provide a general framework for original CMC submissions to investigational new animal drug (INAD) files, generic investigational new animal drug (JINAD) files, new animal drug applications (NADAs), abbreviated new animal drug applications (ANADAs), conditional approval of applications for conditional approval (CNADAs), and veterinary master files (VMFs).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 17, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–0620 for ''Question-Based Review for the Chemistry, Manufacturing, and Controls Technical Section of Animal Drug Applications.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Julie Bailey, Center for Veterinary Medicine (HFV–145), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0700, *julie.bailey@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under sections 512(c)(2)(A)(i) and (d)(1)(C), and 571(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(A)(i) and (d)(1)(C), and 360ccc(c)(1)), applicants must submit information on CMC to support the approval of NADAs and ANADAs or the conditional approval of CNADAs. CVM reviews the CMC information for new animal drugs to ensure that applicants have methods and controls in place for manufacturing, processing, and packaging that are adequate for assuring

and preserving the identity, strength, quality, and purity of the new animal drug and, in the case of a generic drug, to ensure that it is equivalent to the reference listed new animal drug (RLNAD).

In order to improve the process for submission and review of CMC information for animal drugs, CVM has developed draft GFI #234 entitled ''Question-Based Review for the Chemistry, Manufacturing, and Controls Technical Section of Animal Drug Applications.'' This guidance contains a series of questions that focus on the critical scientific and regulatory issues and pharmaceutical attributes essential for ensuring the quality of new animal drug substances and products. Termed QbR, these questions provide a general framework for original CMC submissions to INAD and JINAD files, NADAs, ANADAs, CNADAs, and VMFs.

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Question-Based Review for the Chemistry, Manufacturing, and Controls Technical Section of Animal Drug Applications.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 514 have been approved under OMB control number 0910–0032; the collections of information in section 512(n)(1) of the FD&C Act (21 U.S.C. 360b(n)(1)) have been approved under OMB control number 0910–0669.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *http://www.regulations.gov.*

Dated: March 14, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–06119 Filed 3–17–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0663]

Agency Information Collection Activities; Proposed Collection; Comment Request; Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans

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 Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans.

DATES: Submit either electronic or written comments on the collection of information by May 17, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–N–0663 for ''Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans.'' 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.

Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans, OMB Control Number 0910–0672—Extension

In the **Federal Register** of October 31, 2013 (78 FR 65338), FDA published a document entitled ''Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans.'' The document clarified the Agency's expectations for timely review, evaluation, and submission of relevant and useful safety information and implemented internationally harmonized definitions and reporting standards for IND safety reports. The document also required safety reporting for bioavailability and bioequivalence studies. The document was intended to improve the utility of Investigational New Drug (IND) safety reports, expedite FDA's review of critical safety information, better protect human subjects enrolled in clinical trials, and harmonize safety reporting requirements internationally.

The rulemaking included the following information collection under the PRA that was not already included in 21 CFR 312.32 and approved under OMB control number 0910–0014.

Section 312.32(c)(1)(ii) and (c)(1)(iii) requires reporting to FDA, in an IND safety report, of potential serious risks from clinical trials within 15 calendar days for findings from epidemiological studies, pooled analyses of multiple studies, or other clinical studies that suggest a significant risk in humans exposed to the drug.

Section 312.32(c)(1)(iii) specifies the requirements for reporting to FDA in an IND safety report potential serious risks from clinical trials within 15 calendar days for findings from in vitro testing that suggest a significant risk to humans.

Section 312.32(c)(1)(iv) requires reporting to FDA in an IND safety report within 15 calendar days of any clinically important increase in the rate of occurrence of serious suspected adverse reactions over that listed in the protocol or investigator brochure.

The rulemaking also included new information collection under the PRA by requiring safety reporting for bioavailability and bioequivalence studies (21 CFR 320.31(d)).

In tables 1 and 2 of this document, the estimates for ''No. of Respondents,'' ''No. of Responses per Respondent,'' and ''Total Annual Responses'' were obtained from the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) reports and data management systems for submissions received in 2013, 2014, and 2015, and from other sources familiar with the number of submissions received under the noted 21 CFR section. The estimates for ''Hours per Response'' are unchanged based on information from CDER and CBER individuals familiar with the burden associated with these reports and from prior estimates received from the pharmaceutical industry. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN—(CDER) [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
320.31(d) Bioavailability and Bioequivalence Safety Reports	13	15	195	14	2,730
312.32(c)(1)(ii) and (c)(1)(iii) IND Safety Reports	100	6	600	12	7,200
312.32(c)(1)(iv) IND Safety Reports	10	1	10	12	120
Total (CDER)					10,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN—(CBER) [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
320.31(d) Bioavailability and Bioequivalence Safety Reports	1	1	1	14	14
312.32(c)(1)(ii) and (c)(1)(iii) IND Safety Reports	137	4	548	12	6,576
312.32(c)(1)(iv) IND Safety Reports	5	1.4	7	12	84
Total (CBER)					6,674

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 14, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–06128 Filed 3–17–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3225]

Wesley A. McQuerry: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The U.S. Food and Drug Administration (FDA or Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) permanently debarring Wesley A. McQuerry from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. McQuerry was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of a drug product and otherwise relating to the regulation of a drug product under the FD&C Act. Mr. McQuerry was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Mr. McQuerry failed to respond. Mr. McQuerry's failure to respond constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective March 18, 2016.

ADDRESSES: Submit applications for special termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, (ELEM–4144), Division of Enforcement, Office of Enforcement and Import Operations, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(A) of the FD&C Act (21 U.S.C. 335a(a)(2)(A)) requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product. Section 306(a)(2)(B) of the FD&C Act requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct otherwise relating to the regulation of any drug product under the FD&C Act. On February 10, 2015, the U.S. District Court for the Northern District of Illinois entered judgment against Mr. McQuerry for one count of falsifying a material fact, in violation of 18 U.S.C. 1001(a)(1).

The factual basis for this conviction is as follows: Mr. McQuerry was the study coordinator for a drug clinical trial at an institution in the Northern District of Illinois. The clinical trial occurred under the authority of FDA, and clinical trial data was required to be submitted to FDA before the drug could be approved for sale in the United States.

As study coordinator, Mr. McQuerry's responsibilities for administering the clinical trial included, among other things, coordinating patient visits, maintaining patient files, ensuring that administrative procedures were followed regarding the collection of patient data, disbursing American Express gift checks to trial participants, and transmitting clinical trial data from the institution to the administrator, which was administering the clinical trial on behalf of the pharmaceutical company. Mr. McQuerry knew that the results of the clinical trial would be reported to FDA, and he knew it was unlawful to provide false information to the pharmaceutical company.

Beginning no later than January 2008, and continuing through at least October 2008, in the Northern District of Illinois, Mr. McQuerry knowingly and willfully falsified, concealed, and covered up by trick, scheme, and device material facts in a matter within the jurisdiction of FDA, namely that at least four patients and others were participating in the drug clinical trial, when in fact these patients did not participate in that clinical trial. Specifically, between January and October 2008, Mr. McQuerry created fifteen to twenty fictional patients, whom he claimed were participants in the clinical trial. Mr. McQuerry falsified signatures of those patients on consent forms and falsified doctors' signatures on medical evaluations for those patients. He provided his own blood, stool, and EKG results, which he claimed were provided by the fictional patients. He also transmitted false data and information to the administrator regarding these fictional patients and made and caused to be made false statements regarding their participation in the study and attendance at office visits, all of which he knew would be provided to the pharmaceutical company and to FDA.

Mr. McQuerry made false statements to the administrator about the whereabouts of the fictitious trial participants. In particular, on August 28, 2008, he provided false and fraudulent statements to the administrator regarding the attendance of two patients at study visits, knowing that the two patients were not in fact enrolled in the study and did not attend a single study visit.

As study coordinator, Mr. McQuerry was responsible for disbursing gift checks, which were provided by the pharmaceutical company to patients at various points during the patients' participation in the clinical trial. Mr. McQuerry falsely and fraudulently claimed to have disbursed gift checks when, in fact, no checks were disbursed

to patients. Instead, between approximately July 11, 2008 and September 3, 2008, Mr. McQuerry deposited over $2,300 of gift checks into his personal bank account. He additionally used the gift checks to make direct purchases at various retailers. Mr. McQuerry's fraud resulted in a loss of approximately $200,098 to the pharmaceutical company.

As a result of this conviction, FDA sent Mr. McQuerry by certified mail on October 30, 2015, a notice proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(A) and (a)(2)(B) of the FD&C Act, that Mr. McQuerry was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of a drug product, and conduct otherwise relating to the regulation of a drug product under the FD&C Act. The proposal also offered Mr. McQuerry an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. McQuerry did not request a hearing and has, therefore, waived his opportunity for a hearing and any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under sections 306(a)(2)(A) and (a)(2)(B) of the FD&C Act, under authority delegated to him (Staff Manual Guide 1410.35), finds that Wesley A. McQuerry has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of a drug product and conduct otherwise relating to the regulation of a drug product under the FD&C Act.

As a result of the foregoing finding, Wesley A. McQuerry is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see section 201(dd), 306(c)(1)(B), and 306(c)(2)(A)(ii) of the FD&C Act, (21 U.S.C. 321(dd), 335a(c)(1)(B), and 335a(c)(2)(A)(ii)). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Wesley A. McQuerry, in any capacity during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Mr. McQuerry provides services in any capacity to a person with an approved or pending drug product application during his period of debarment, he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications from Wesley A. McQuerry during his period of debarment (section 306(c)(1)(B) of the FD&C Act.

Any application by Mr. McQuerry for special termination of debarment under section 306(d)(4) of the FD&C Act should be identified with Docket No. FDA–2015–N–3225 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20.

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 11, 2016.

Armando Zamora,

Deputy Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs.

[FR Doc. 2016–06104 Filed 3–17–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, 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.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: April 19, 2016.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: The Committee serves to advise and make recommendations to the Director, Office of Research on Women's Health (ORWH) on a broad range of topics. Information is also available on the Institute's/Center's home page: *http://orwh.od.nih.gov/about/acrwh/index.asp* where an agenda and any additional information for the meeting will be posted when available.

Place: National Institutes of Health, Building 31, Room 6C, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Terri L. Cornelison, MD, Ph.D., Associate Director for Clinical Research, Office of Research on Women's Health, Office of the Director, 6707 Democracy Blvd., Bethesda, MD 20817, 301–402–1770, *cornelit@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www4.ordh.od.nih.gov/*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: *March 14, 2016.*

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06075 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Population Science (U01).

Date: April 5, 2016.

Time: 8:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Robert Bird, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, 240–276–6344, *birdr@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Fundamental Mechanisms of Affective and Decisional Processes in Cancer Control (U01).

Date: April 6, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Robert Bird, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, 240–276–6344, *birdr@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Oncology Co-Clinical Imaging Methods and Precision Medicine.

Date: April 8, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W514, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Peter J. Wirth, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W514, Rockville, MD 20850, 240–276–6434 *pw2q@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Subcommittee A—Cancer Centers.

Date: May 5, 2016.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Rockville, MD 20850, 240–276–6442, *ss537t@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 15, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06194 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Alternative Approaches for Acute Inhalation Toxicity To Address Global Regulatory and Non-Regulatory Data Requirements; Notice of Webinars; Registration Information

SUMMARY: The National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM) announces the webinar series, ''Alternative Approaches for Acute Inhalation Toxicity to Address Global Regulatory and Non-Regulatory Data Requirements.'' Webinar speakers will discuss the state of the science of alternative approaches for identifying acute systemic toxicants due to inhalation exposure, and identify knowledge and data gaps that need to be addressed prior to implementation of those approaches.

DATES:

First Webinar: March 29, 2016, from 11 a.m. to 12 p.m. Eastern Daylight Time (EDT).

Subsequent Webinars: Five subsequent webinars will be presented monthly through August 2016; dates of the webinars will posted on the Web page.

Registration for Webinars: Registration for each webinar will be open during the webinar.

ADDRESSES: *Web page:* The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/inhalation-2016.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren Casey, Director, NICEATM; email: *warren.casey@nih.gov;* telephone: (919) 316–4729.

SUPPLEMENTARY INFORMATION:

Background: Acute systemic toxicity tests are designed to identify chemicals that could cause illness or death immediately or shortly after a single exposure. This webinar series will explore and discuss alternative approaches that could replace, reduce, or refine the use of animals for identifying chemicals that may cause acute systemic toxicity when inhaled.

During the webinar series, participants will (1) define when and how acute systemic toxicity data are used for assessing inhalation toxicity hazard potential for both regulatory and non-regulatory testing; (2) review existing alternative approaches for identifying chemicals likely to cause acute systemic toxicity via inhalation, which could include mechanism-based models (*i.e., in vitro* and *in silico* approaches); and (3) identify mechanisms of acute toxicity that may constitute key events in adverse outcome pathways for acute inhalation toxicity.

The webinar series steering committee is comprised of members from government and nongovernment stakeholder organizations including NICEATM, People for the Ethical Treatment of Animals, International Science Consortium Ltd., The Dow Chemical Company, European Union Reference Laboratory for Alternatives to Animal Testing, Simulations Plus, Inc., Netherlands Organisation for Applied Scientific Research, and U.S. Environmental Protection Agency.

List of Webinar Topics and Other Information: A link to registration and additional information about the webinar series are available at *http://ntp.niehs.nih.gov/go/inhalation-2016.* Dates and topics for each webinar will be posted on this page as they are finalized.

Meeting and Registration: The webinars are open to the public, free of charge, with attendance limited only by available webcast capacity. Individuals who plan to attend the first webinar should register at *http://ntp.niehs.nih.gov/go/inhalation-2016* by March 29, 2016. Subsequent webinars will be convened monthly; registration for any webinar will automatically register the viewer for all subsequent webinars. Interested individuals are encouraged to visit *http://ntp.niehs.nih.gov/go/inhalation-2016* for future webinar dates and topics and to stay abreast of the most current information about the webinar series.

Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at telephone: (919) 316–4668 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at (800) 877–8339. Requests should be made at least five business days in advance of the event.

Background Information on NICEATM: NICEATM conducts data analyses, workshops, independent validation studies, and other activities to assess new, revised, and alternative test methods and strategies. NICEATM also provides support for the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM). The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) provides authority for ICCVAM and NICEATM in the development of alternative test methods. Information about NICEATM and ICCVAM is found at *http://ntp.niehs.nih.gov/go/niceatm* and *http://ntp.niehs.nih.gov/go/iccvam*, respectively.

Dated: March 15, 2016.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2016–06201 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Interagency Coordinating Committee on the Validation of Alternative Methods; Notice of Public Meeting; Request for Public Input

SUMMARY: The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) will hold a public forum to share information and facilitate direct communication of ideas and suggestions from stakeholders. Interested persons may attend in person or remotely by webcast. Time will be set aside for public statements and questions on the topics discussed. Registration is requested for both public attendance and oral statements, and required for remote access. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/iccvamforum-2016.*

DATES: *Meeting:* May 25, 2016, 9:00 a.m. to approximately 4:00 p.m. Eastern Daylight Time (EDT).

Registration for Onsite Meeting: Deadline is May 13, 2016.

Registration for Webcast: Deadline is May 25, 2016.

Submission of Oral Public Statements: Deadline is May 13, 2016.

ADDRESSES:

Meeting Location: William H. Natcher Conference Center, National Institutes of Health, Bethesda, MD 20892.

Meeting Web page: The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/iccvamforum-2016.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren Casey, Director, National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); email: *warren.casey@nih.gov;* telephone: (919) 316–4729.

SUPPLEMENTARY INFORMATION:

Background: ICCVAM promotes the development and validation of chemical safety testing methods that protect human health and the environment while replacing, reducing, or refining animal use.

ICCVAM's goals include promotion of national and international partnerships between governmental and nongovernmental groups, including academia, industry, advocacy groups, and other key stakeholders. To foster these partnerships ICCVAM initiated annual public forums in 2014 to share information and facilitate direct communication of ideas and suggestions from stakeholders (79 FR 25136).

The third of these forums will be held on May 25, 2016, at the National Institutes of Health (NIH) in Bethesda, MD. The meeting will include presentations by NICEATM and ICCVAM members on current activities related to the development and validation of alternative test methods and approaches. Following each presentation, there will be an opportunity for participants to ask questions of the ICCVAM members. Instructions for submitting questions will be provided to remote participants prior to the webcast.

The agenda will also include periods dedicated to discussion of specific topics relevant to the ICCVAM mission, and time for participants to make public oral statements on topics relevant to the ICCVAM mission and current ICCVAM activities.

Preliminary Agenda and Other Meeting Information: The preliminary agenda, list of discussion topics, ICCVAM roster and other background materials, and public statements submitted prior to the meeting should be posted by May 18, 2016, at *http://ntp.niehs.nih.gov/go/iccvamforum-2016.* Interested individuals are encouraged to visit this Web page to stay abreast of the most current meeting information.

Meeting and Registration: This meeting is open to the public with time scheduled for oral public statements and for questions following ICCVAM's and NICEATM's presentations. The public may attend the meeting at NIH, where attendance is limited only by the space available, or view remotely by webcast. Those planning to attend the meeting in person are encouraged to register at *http://ntp.niehs.nih.gov/go/iccvamforum-2016* by May 13, 2016, to facilitate planning for appropriate meeting space. Those planning to view the webcast must register at *http://ntp.niehs.nih.gov/go/iccvamforum-2016* by May 25, 2016. The URL for the webcast will be provided in the email confirming registration.

Visitor and security information for visitors to NIH is available at *http://www.nih.gov/about/visitor/index.htm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at phone: (919) 316–4668 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Request for Oral Public Statements: Time will be allotted during the meeting for oral public statements with associated slides relevant to ICCVAM's mission and current activities. The number and length of presentations may be limited based on available time. Submitters will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting public statements and/or associated slides should include their name, affiliation (if any), mailing address, telephone, email, and sponsoring organization (if any) with the document. Guidelines for public statements are at *http://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

Persons wishing to present oral statements are encouraged to indicate the topic(s) on which they plan to speak on the registration form. They should also provide a copy of their statement to Dr. Elizabeth Maull at email: *maull@niehs.nih.gov* by May 13, 2016, to allow time for review by NICEATM and ICCVAM and posting to the meeting page prior to the forum. Written statements may supplement and expand the oral presentation. Public statements will be distributed to NICEATM and ICCVAM members before the meeting.

Registration for oral public statements will be available onsite, although onsite registration and time allotted for these

statements may be limited based on the number of individuals who register to make statements and available time. If registering onsite and reading from written text, please bring 20 copies of the statement for distribution and to supplement the record.

In addition to in-person oral statements at the meeting, public statements may be presented by teleconference line. Directions for accessing the meeting by teleconference line will be provided to registered participants prior to the meeting date.

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

Background Information on ICCVAM and NICEATM: ICCVAM is an interagency committee composed of representatives from 15 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability and promotes the scientific validation and regulatory acceptance of testing methods that both more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine (enhance animal well-being and minimize or prevent pain and distress) animal use. The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) establishes ICCVAM as a permanent interagency committee of the NIEHS and provides the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. ICCVAM acts to ensure that new and revised test methods are validated to meet the needs of Federal agencies, increase the efficiency and effectiveness of federal agency test method review, and optimize utilization of scientific expertise outside the federal Government. Additional information about ICCVAM can be found at *http://ntp.niehs.nih.gov/go/iccvam.*

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies. NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative testing approaches for validation studies and technical evaluations. Additional information about NICEATM can be found at *http://ntp.niehs.nih.gov/go/niceatm.*

Dated: March 14, 2016.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2016–06076 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Self-Affirmation Construct Validity

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute, the National Institutes of Health, has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 14, 2016, Vol. 81 pp. 1985 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, or request more information on the proposed project, contact: Rebecca Ferrer, Program Director, Basic Biobehavioral and Psychological Sciences Branch, Behavioral Research Program, Division of Cancer Control and Population Sciences, National Cancer Institute, 9609 Medical Center Dr., Rockville, MD 20852 or call non-toll-free number (240) 276–6914 or Email your request, including your address to: *ferrerra@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Self-Affirmation Construct Validity, 0925—NEW, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This information collection, seeks to refine a theory about how self-competence and values play a role in defensive responses to health communications. Although theoretically-driven research has shown that self-affirmation—a process by which individuals reflect on values that are important to them—can improve responses to health and cancer communications, the ''active ingredient'' (or mechanisms underlying effectiveness) of self-affirmations is unknown. Self-affirmation is a potent means of augmenting the effectiveness of threatening health communications. Individuals tend to be defensive against information suggesting their behavior puts them at risk for disease or negative health. Previous evidence suggests that self-affirmation may reduce defensiveness to threatening health information, increasing openness to the message and resulting in increased disease risk perceptions, disease-related worry, intentions to engage in preventive behavior, and actual behavioral change. Understanding the mechanisms that explain these robust effects would yield evidence important for dissemination, including ways to refine self-affirmation interventions and make them more potent, which could change the ways that public health messages are constructed. This research can inform NCI scientific priorities and investments in self-affirmation research. The results of the information collection will be used to further develop and improve self-affirmation theory. These findings may allow future researchers to develop and test cancer prevention interventions.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 717.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Types of respondents	Number of respondents	Number of responses per respondent	Average burden (in hours)	Total hour burden
Screener	General Public	10,000	1	1/60	167
Study	General Public	1,100	1	30/60	550
Total		10,000	11,100		717

Dated: March 7, 2016.

Karla Bailey,

Project Clearance Liaison, National Cancer Institute, NIH.

[FR Doc. 2016–06074 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Aging, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: May 24–25, 2016.

Closed: May 24, 2016, 8:00 a.m. to 8:15 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: May 24, 2016, 8:15 a.m. to 12:15 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: May 24, 2016, 12:15 p.m. to 1:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: May 24, 2016, 1:15 p.m. to 3:30 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: May 24, 2016, 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: May 24, 2016, 4:30 p.m. to 7:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: May 25, 2016, 8:00 a.m. to 8:15 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: May 25, 2016, 8:15 a.m. to 12:25 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: May 25, 2016, 12:25 p.m. to 1:25 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: May 25, 2016, 1:25 p.m. to 3:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: May 25, 2016, 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Contact Person: Luigi Ferrucci, Ph.D., MD, Scientific Director, National Institute on Aging, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410–558–8110, *LF27Z@NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 15, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06195 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Martin Delaney Collaborators' for HIV Cure Research (UM1).

Date: April 11–13, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Crystal City, Room Roanoke/Williamsburg, 2399 Jefferson Davis Hwy., Arlington, VA 22202

Contact Person: Vasundhara Varthakavi, DVM, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5020, *varthakaviv@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 14, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06077 Filed 3–17–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0635]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0071

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0071, Boat Owners Report—Possible Safety Defect. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before April 18, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0635] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE., STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2015–0635], and must be received by April 18, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0071.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 59801, October 2, 2015) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Boat Owners Report—Possible Safety Defect.

OMB Control Number: 1625–0071.

Summary: This collection of information provides a means for

consumers who believe that their recreational boats or designated associated equipment, contains substantial risk, defects or fail to comply with Federal safety standards to report the deficiencies to the U.S. Coast Guard for investigation and possible remedy.

Need: Title 46 U.S.C. 4310 gives the Coast Guard the authority to require manufacturers of recreational boats and certain items of designated associated equipment to notify owners and remedy: (1) Defects that create a substantial risk of personal injury to the public; and (2) failures to comply with applicable Federal Safety standards.

Forms: CG–5578, Boat Owner's Report—Possible Safety Defect.

Respondents: Owners and users of recreational boats and items of designated associated equipment.

Frequency: One time.

Hour Burden Estimate: The estimated burden has decreased from 21 hours to 17 hours a year due to a decrease in the annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 11, 2016.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2016–06193 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0152]

Cooperative Research and Development Agreement—Robotic Aircraft for Maritime Public Safety

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter into a cooperative research and development agreement (CRADA) with several companies to evaluate small unmanned aircraft systems (SUAS) and their airborne sensors, to determine their potential for use in a maritime environment by a first responder and DHS operational components. The Coast Guard will conduct flight testing and evaluation of SUAS under a wide variety of simulated but realistic and relevant real-world maritime operational scenarios, such as law enforcement, search and rescue, and maritime environmental response. While the Coast Guard is currently considering partnering with Physical Sciences, Inc., it solicits public comment on the possible participation of other parties in the proposed CRADA, and the nature of that participation. The Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* or reach the Docket Management Facility, on or before April 18, 2016.

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) on or before April 18, 2016.

ADDRESSES: Submit comments using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

- *Online—http://www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.
- *Mail* or *hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Mr. Steve Dunn, Project Official, Aviation Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2789, email *Stephen.C.Dunn@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on this notice. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Do not submit detailed proposals for future CRADAs to the Docket Management Facility. Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) .

Comments should be marked with docket number USCG–2016–0152 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with other types of agreements such as procurement contracts, grants, and cooperative agreements.

Under the proposed CRADA, the Coast Guard's Research and Development Center (R&DC) will collaborate with one or more non-Federal participants. Together, the R&DC and the non-Federal participants will evaluate SUAS and their airborne sensors to determine their potential for use in a maritime environment by a first responder and DHS operational components.

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) Develop the demonstration test plan to be executed under the CRADA;

(2) Provide the SUAS test range, test range support, facilities, and all approvals required for a 5 day demonstration under the CRADA;

(3) Conduct the privacy threshold analysis required for the demonstration;

(4) Conduct the privacy impact assessment required for the demonstration;

(5) Coordinate any required spectrum approval for the SUAS;

(6) Coordinate and receive any required interim flight clearance for the demonstration;

(7) Provide any required airspace coordination and de-confliction for the demonstration test plan;

(8) Collect and analyze demonstration test plan data; and

(9) Develop a demonstration final report documenting the methodologies, findings, conclusions, and recommendations of this CRADA work.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

(1) Provide SUAS all other equipment to conduct the demonstration described in the demonstration test plan;

(2) Provide all required operators and technicians to conduct the demonstration;

(3) Provide technical data for the SUAS to be utilized;

(4) Provide shipment and delivery of all SUAS equipment required for the demonstration; and

(5) Provide travel and associated personnel and other expenses as required.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering Physical Sciences, Inc. for participation in this CRADA, because each has demonstrated the ability to operate SUAS in a maritime environment. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology demonstration effort. The goal of this CRADA is to identify and investigate the potential of the SUAS and their airborne sensors to determine their potential use in a maritime environment by the first responder and the DHS operational components. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S.

This notice is issued under the authority of 5 U.S.C. 552(a) and 15 U.S.C. 3710(a).

Dated: February 25, 2016.

Captain Dennis C. Evans,

Commanding Officer, USCG, U.S. Coast Guard Research and Development Center.

[FR Doc. 2016–06208 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0024]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0065

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of revisions to the following collection of information: 1625–0065, Offshore Supply Vessels—Title 46 CFR Subchapter L. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 17, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2016–0024] to the Coast Guard 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.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE., STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2016–0024], and must be received by May 17, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Offshore Supply Vessels—Title 46 CFR Subchapter L.

OMB Control Number: 1625–0065.

Summary: Title 46 U.S.C. 3305 and 3306 authorizes the Coast Guard to prescribe safety regulations. Title 46 CFR subchapter L promulgates marine safety regulations for offshore supply vessels (OSV).

Need: The OSV posting/marking requirements are needed to provide instructions to those onboard of actions to be taken in the event of an emergency. The reporting/recordkeeping requirements verify compliance with regulations without Coast Guard presence to witness routine matters, including OSVs based overseas as an alternative to Coast Guard inspection.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 2,068 hours to 2,353 hours a year due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 11, 2016.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2016–06192 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0895]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0033

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0033, Display of Fire Control Plans for Vessels. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before April 18, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0895] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE., STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2015–0895], and must be received by April 18, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have

provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0033.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 65234, October 26, 2015) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Display of Fire Control Plans for Vessels.

OMB Control Number: 1625–0033.

Summary: This information collection is for the posting or display of specific plans on certain categories of commercial vessels. The availability of these plans aid firefighters and damage control efforts in response to emergencies.

Need: Under 46 U.S.C. 3305 and 3306, the Coast Guard is responsible for ensuring the safety of inspected vessels and has promulgated regulations in 46 CFR parts 35, 78, 97, 109, 131, 169, and 196 to ensure that safety standards are met.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On Occasion.

Hour Burden Estimate: The estimated burden has decreased from 581 hours to 576 hours a year due to a decrease in the estimated number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 11, 2016.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2016–06190 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0153]

National Offshore Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Offshore Safety Advisory Committee. The National Offshore Safety Advisory Committee advises the Secretary of the Department of Homeland Security on matters and actions concerning activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction.

DATES: Completed applications should reach the Coast Guard on or before May 17, 2016.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the National Offshore Safety Advisory Committee that also identifies which membership category the applicant is applying under, along with a resume detailing the applicant's experience via one of the following methods:

- *By Email: patrick.w.clark@uscg.mil*
- *By Fax:* (202) 372–8382
- *By Mail:* Mr. Patrick W. Clark, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant, (CG–OES–2)/NOSAC U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Clark, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant, (CG–OES–2)/NOSAC U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509; email *patrick.w.clark@uscg.mil;* telephone (202) 372–1358; fax (202) 372–8382.

SUPPLEMENTARY INFORMATION: The National Offshore Safety Advisory Committee name is a federal advisory committee established in accordance with the provisions of the Federal Advisory Committee Act, (Title 5 U.S.C. Appendix) to advise the Secretary of Department of Homeland Security on matters and actions concerning activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction.

The Committee normally meets twice a year: Once in April in the New Orleans, LA, and then in November in Houston, TX. Each National Offshore Safety Advisory Committee member serves a term of office up to three (3) years. Members may serve a maximum of two consecutive terms. All members serve at their own expense and receive no salary or reimbursement of travel expenses, or other compensation from the Federal Government.

We will consider applications for the six positions listed below that will be vacant on January 31, 2017:

(a) One member representing companies, organizations, enterprises or similar entities engaged in offshore drilling;

(b) One member representing companies, organizations, enterprises or similar entities engaged in production of petroleum;

(c) One member representing companies, organizations, enterprises or similar entities engaged in offshore oil exploration and production on the Outer Continental Shelf of Alaska;

(d) One member representing companies, organizations, enterprises or similar entities engaged in the support, by offshore supply vessel or other vessels, of offshore operations;

(e) One member representing companies, organizations, enterprises or similar entities providing environmental protection, compliance or response services to the offshore industry; and,

(f) One member representing companies, organizations, enterprises or similar entities providing safety and training services to the offshore industry.

To be eligible, applicants for positions (a–f) should be employed by companies, organizations, enterprises or similar entities associated with the exploration for, and the recovery of oil, gas and other mineral resources on the U. S. Outer Continental Shelf; and have expertise, knowledge and experience regarding the technology, equipment and techniques that are used or are being developed for use in the exploration for, and the recovery of, offshore mineral resources.

Registered lobbyists are not eligible to serve on federal advisory committees in an individual capacity. See ''Revised Guidance on Appointment of Lobbyist to Federal Advisory Committees, Boards and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605; as amended by Title II of Pub. L. 110–81).

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disabilities and genetic information, age membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Committee, send your cover letter and resume to Mr. Patrick Clark, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee by email or mail according to instructions in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. All email submittals will receive email receipt confirmation.

Dated: March 14, 2016.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2016–06207 Filed 3–17–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4261–DR; Docket ID FEMA–2016–0001]

Maryland; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maryland (FEMA–4261–DR), dated March 4, 2016, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 4, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Maryland resulting from a severe winter storm and snowstorm during the period of January 22–23, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Maryland.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Donald L. Keldsen, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Maryland have been designated as adversely affected by this major disaster:

Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Washington, and Worcester Counties and the Independent City of Baltimore for Public Assistance.

Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, and Washington Counties and the Independent City of Baltimore for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period.

All areas within the State of Maryland are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06168 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4258–DR; Docket ID FEMA–2016–0001]

Oregon; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–4258–DR), dated February 17, 2016, and related determinations.

DATES: *Effective Date:* February 17, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 17, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oregon resulting from severe winter storms, straight-line winds, flooding, landslides, and mudslides during the period of December 6–23, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oregon.

In order to provide Federal assistance, you are hereby authorized to allocate from funds

available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oregon have been designated as adversely affected by this major disaster:

Clatsop, Columbia, Coos, Curry, Lane, Lincoln, Linn, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties for Public Assistance.

All areas within the State of Oregon are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06164 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4260–DR; Docket ID FEMA–2016–0001]

District of Columbia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the District of Columbia (FEMA–4260–DR), dated March 4, 2016, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 4, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the District of Columbia resulting from a snowstorm during the period of January 22–23, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the District of Columbia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for emergency protective measures (Category B) under the Public Assistance program and Hazard Mitigation in the District of Columbia. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Donald L. Keldsen, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the District of Columbia have been designated as adversely affected by this major disaster:

The District of Columbia for emergency protective measures (Category B) under the Public Assistance program.

The District of Columbia for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period.

All areas within the District of Columbia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06170 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4259–DR; Docket ID FEMA–2016–0001]

Georgia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4259–DR), dated February 26, 2016, and related determinations.

DATES: *Effective Date:* February 26, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 26, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from severe storms and flooding during the period of December 22, 2015 to January 13, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Rosalyn L. Cole, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Georgia have been designated as adversely affected by this major disaster:

Baker, Carroll, Chattahoochee, Crawford, Dade, Decatur, Douglas, Fannin, Fayette, Gilmer, Greene, Haralson, Harris, Jeff Davis, Lamar, Macon, Marion, Meriwether, Montgomery, Morgan, Muscogee, Newton, Oglethorpe, Pickens, Stewart, Talbot, Taliaferro, Taylor, Towns, Troup, Upson, Webster, and Wilkes Counties for Public Assistance.

All areas within the State of Georgia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06165 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4257–DR; Docket ID FEMA–2016–0001]

Alaska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4257–DR), dated February 17, 2016, and related determinations.

DATES: *Effective Date:* February 17, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 17, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from a severe storm during the period of December 12–15, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated area and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sharon Loper, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following area of the State of Alaska have been designated as adversely affected by this major disaster:

Pribilof Islands Regional Education Attendance Area for Public Assistance.

All areas within the State of Alaska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06162 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4262–DR; Docket ID FEMA–2016–0001]

Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–4262–DR), dated March 7, 2016, and related determinations.

DATES: *Effective Date:* March 7, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 7, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia resulting from a severe winter storm and snowstorm during the period of January 22–23, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Donald L. Keldsen, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Virginia have been designated as adversely affected by this major disaster:

The counties of Albemarle, Arlington, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Highland, King George, Loudoun, Louisa, Madison, Page, Patrick, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren and the independent cities of Alexandria, Falls Church, Manassas, Manassas Park, and Winchester for Public Assistance.

The counties of Albemarle, Arlington, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Highland, King George, Loudoun, Louisa, Madison, Page, Patrick, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren and the independent cities of Alexandria, Falls Church, Manassas, Manassas Park, and Winchester for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period.

All areas within the Commonwealth of Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06167 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4248–DR; Docket ID FEMA–2016–0001]

Mississippi; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Mississippi (FEMA–4248–DR), dated January 4, 2016, and related determinations.

DATES: *Effective Date:* February 11, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lai Sun Yee, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Joe M. Girot as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06160 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Renewal From OMB of One Current Public Collection of Information: Pipeline Operator Security Information

Correction

Notice document 2016–01174, beginning on page 3448 in the issue of Thursday, January 21, 2016, was inadvertently published and is withdrawn from that issue.

[FR Doc. C1–2016–01174 Filed 3–17–16; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0069]

Agency Information Collection Activities: Application by Refugee for Waiver of Grounds of Excludability, Form I–602; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 17, 2016.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0069 in the subject box, the agency name and Docket ID USCIS–2006–0042. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0042;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377. (This is not a toll-free number. Comments are not accepted via telephone message.) Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments:

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0042 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application by Refugee for Waiver of Grounds of Excludability.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–602; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–602 is necessary to establish eligibility for waiver of excludability based on humanitarian, family unity, or public interest.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–602 is 2,500 and the estimated hour burden per response is 0.25 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 625 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

Dated: March 14, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–06105 Filed 3–17–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5907–N–12]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301)-443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AGRICULTURE: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202)–720–8873; ENERGY: Mr. David Steinau, Department of Energy, Office of Property Management, OECM MA–50, 4B122, 1000 Independence Ave. SW., Washington, DC 20585 (202) 287–1503; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management; Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426; VA: Ms. Jessica L. Kaplan, Department of Veteran Affairs, 810 Vermont Ave. NW., (0031E), Washington, DC 20420; (202) 632–5831 (These are not toll-free numbers).

Dated: March 10, 2016.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/18/2016

Suitable/Available Properties

Building

Missouri

3 Buildings
90, 91 & 92 Grant Avenue
St. Louis MO 63125
Landholding Agency: GSA
Property Number: 54201610011
Status: Surplus
GSA Number: 7–D–MO–0421–6
Directions: Former St. Louis Air Force Station Family Housing Annex
Disposal Agency: GSA; Landholding Agency: AF
Comments: 77+ yrs. old; 19,350 sq. ft.; 15+ yrs. vacant; residential; buildings in state of disrepair; listed on Nat'l Register of Historic Places; contact GSA for more information.

New York

Compensated Work Therapy (CWT) Transitional Residences
43 Tampa Ave.
Albany NY 12208
Landholding Agency: VA
Property Number: 97201610001
Status: Unutilized
Comments: 85+ yrs. old; 1,496 sq. ft.; residential; heating system inefficient; no future agency need; contact *kelli.witt@va.gov* for more information.

Compensated Work Therapy Property (CWT) Transitional Residences
223 Delaware Ave.,
Delmar NY 12054
Landholding Agency: VA
Property Number: 97201610002
Status: Unutilized
Comments: 124+ yrs. old; 1,720 sq. ft.; residential; heating system inefficient; significant water damage to interior and utility systems; contact *kelli.witt@va.gov* for more information.

Compensated Work Therapy

Property (CWT) Transitional Residences
893 5th Avenue
Troy NY 12181
Landholding Agency: VA
Property Number: 97201610003
Status: Unutilized
Directions: Sits on 0.06 acres of land
Comments: 85+ yrs. old; 2,280 sq. ft.; residential; water damage to walls; no future agency need; contact *kelli.witt@va.gov* for more information.

Oregon

Gates Log Scale Shack
(1609565010602)
Hwy 22
Gates OR 97346
Landholding Agency: Agriculture
Property Number: 15201610024
Status: Unutilized
Comments: off-site removal only; 300 sq. ft.; no future agency need; poor conditions; vandalized; significant repairs needed; contact Agriculture for more information.

Suitable/Available Properties

Land

Washington

Paine Field
Everett Facility Section 27
Everett WA
Landholding Agency: GSA
Property Number: 54201610012
Status: Excess
GSA Number: 9–U–WA–1284
Directions: Landholding Agency: FAA; disposal Agency: GSA
Comments: 0.54 acres; used as Outer Maker facility for aircraft approaches; contact GSA for more information.

Unsuitable Properties

Building

California

2 Buildings
Marine Corps Air Station Miramar
Miramar CA
Landholding Agency: Navy
Property Number: 77201610030
Status: Excess
Directions: Building 9598 & 9689
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Illinois

2 Buildings
Fermi National Accelerator Laboratory
Batavia IL 60510
Landholding Agency: Energy
Property Number: 41201610009
Status: Excess
Directions: T121-Portakamp 37080; 002-Main Ring Gazebo
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Nevada

7 Buildings
Nevada National Security Site
Mercury NV 89093
Landholding Agency: Energy
Property Number: 41201610007
Status: Unutilized
Directions: Building's ID–998678 (12–L); ID–408157 (25–3124); ID–408083 (25–3232); ID–408085 (25–3231); ID–408084 (25–3230); ID–998694 (12–K); ID–998680 (12–J)
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

7 Buildings
Nevada National Security Site
Mercury NV 89093
Landholding Agency: Energy
Property Number: 41201610008
Status: Unutilized
Directions: Building's ID–998825 (12–7); ID–998661 (06–CP–170); ID–998820 (06–CP–60); ID–202173 (06–CP–20); ID–992068 (06–CP–10); ID–991847 (06–CP–10A); ID–B100944 (12–B100944);
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Pennsylvania

Building 608A
Naval Support Activity Mechanicsburg
Mechanicsburg PA
Landholding Agency: Navy
Property Number: 77201610028
Status: Excess
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Rhode Island

Building A138
138 Cushing Road
Newport RI 02841
Landholding Agency: Navy
Property Number: 77201610029
Status: Excess
Comments: Public access denied and no alternative method to gain access without compromising national security; property located within floodway which has not been correct or contained.
Reasons: Floodway; Secured Area

Washington

Norwood Water System Building
(1298.005071) 07665 00
Liscumm Rd
Quinault WA 98575
Landholding Agency: Agriculture
Property Number: 15201610025
Status: Excess
Comments: Documented deficiencies: falling roof & floor; structurally unsound; clear threat to physical safety
Reasons: Extensive deterioration

Norwood Storage Pole Barn
(273953010602) 07665 00
Liscumm Rd
Quinault WA 98575
Landholding Agency: Agriculture
Property Number: 15201610026
Status: Excess
Comments: Documented deficiencies: building posts are rotten; structurally unsound; clear threat to physical safety.
Reasons: Extensive deterioration

[FR Doc. 2016–05832 Filed 3–17–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO600000.L18200000.XH0000]

2016 National Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RAC) that have member terms expiring. The RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas. The BLM will accept public nominations for 45 days after the publication of this notice.

DATES: All nominations must be received no later than May 2, 2016.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for the address of BLM State Offices accepting nominations.

FOR FURTHER INFORMATION CONTACT: Twinkle Thompson, BLM Communications, 1849 C Street NW., Room 5645, Washington, DC 20240, 202–208–7301.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists from being appointed or re-appointed to FACA and non-FACA boards, committees, or councils.

The following must accompany all nominations:

—Letters of reference from represented interests or organizations;
—A completed Resource Advisory Council application; and
—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM State offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the state. Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed below:

Alaska

Alaska RAC

Thom Jennings, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, AK 99513, 907–271–3335.

Arizona

Arizona RAC

Dorothea Boothe, Arizona State Office, BLM, One North Central Avenue, Suite 800, Phoenix, AZ 85004, 602–417–9219.

California

Central California RAC and Carrizo Plain National Monument Advisory Committee

David Christy, Mother Lode Field Office, BLM, 5152 Hillsdale Circle, El Dorado Hills, CA 95762, 916–941–3146.

Northern California RAC

Jeff Fontana, BLM Northern California District, 2550 Riverside Drive, Susanville, CA 96130, 530–252–5332.

Colorado

Front Range RAC

Kyle Sullivan, Royal Gorge Field Office, BLM, 3028 East Main Street, Cañon City, CO 81212, 719–269–8553.

Northwest RAC

Christopher Joyner, Grand Junction Field Office, BLM, 2815 H Road, Grand Junction, CO 81506, 970–244–3097.

Southwest RAC

Shannon Borders, Southwest District Office, BLM, 2465 South Townsend Avenue, Montrose, CO 81401, 970–240–5399.

Idaho

Boise District RAC

MJ Byrne, Boise District Office, BLM, 3948 South Development Avenue, Boise, ID 83705–5339, 208–384–3393.

Coeur d'Alene District RAC

Suzanne Endsley, Coeur d'Alene District Office, BLM, 3815 Schreiber Way, Coeur d'Alene, ID 83815, 208–769–5004.

Idaho Falls District RAC

Sarah Wheeler, Idaho Falls District Office, BLM, 1405 Hollipark Drive, Idaho Falls, ID 83401, 208–524–7550.

Twin Falls District RAC

Heather Tiel-Nelson, Twin Falls District Office, BLM, 2878 Addison Avenue East, Twin Falls, ID 83301, 208–736–2352.

Montana and Dakotas

Central Montana RAC

Jonathan Moor, Lewistown Field Office, BLM, 920 Northeast Main Street, Lewistown, MT 59457, 406–538–1943.

Dakotas RAC

Mark Jacobsen, Miles City Field Office, BLM, 111 Garryowen Road, Miles City, MT 59301, 406–233–2800.

Eastern Montana RAC

Mark Jacobsen, Miles City Field Office, BLM, 111 Garryowen Road, Miles City, MT 59301, 406–233–2800.

Western Montana RAC

David Abrams, Butte Field Office, BLM, 106 North Parkmont, Butte, MT 59701, 406–533–7617.

New Mexico

Albuquerque District RAC

Carlos Coontz, Socorro Field Office, BLM, 901 South Highway 85, Socorro, NM 87801, 575–838–1263.

Farmington District RAC

Tamara Faust, Farmington District Office, BLM, 6251 College Boulevard, Farmington, NM 87402, 505–564–7762.

Las Cruces District RAC

Deborah Stevens, Las Cruces District Office, BLM, 1800 Marquess Street, Las Cruces, NM 88005, 575–525–4421.

Pecos District RAC

Howard Parman, Pecos District Office, BLM, 2909 West Second Street, Roswell, NM 88201, 575–627–0212.

Nevada

Mojave-Southern Great Basin RAC; Northeastern Great Basin RAC; Sierra Front Northwestern Great Basin RAC

Chris Rose, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, NV 89502, 775–861–6480.

Oregon/Washington

Eastern Washington RAC; John Day-Snake RAC; Southeast Oregon RAC; Steens Mountain Advisory Council; San Juan Islands National Monument Advisory Council; Coastal Oregon RAC; Southwest Oregon RAC; Northwest Oregon RAC

Greg Shine, Oregon/Washington State Office, BLM, 1220 SE. Third Avenue, Portland, OR, 97204, 503–808–6306.

Utah

Utah RAC

Lola Bird, Utah State Office, BLM, 440 West 200 South, Suite 500, Salt Lake City, UT 84101, 801–539–4033.

Grand Staircase Escalante National Monument Advisory Committee

Larry Crutchfield, 669 South Highway, 89A, Kanab, UT 84741, 435–644–1209.

Wyoming

Wyoming RAC

Christian Venhuizen, Wyoming State Office, BLM, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003, 307–775–6103.

Authority: 43 CFR 1784.4–1.

Steven A. Ellis,

Deputy Director, Operations.

[FR Doc. 2016–06146 Filed 3–17–16; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT9260000/L19100000.BJ0000/LRCSEX502200); 16XL1109AF; MO#4500089690]

Notice of Filing of Plats of Survey; South Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on April 18, 2016.

DATES: Protests of the survey must be filed before April 18, 2016 to be considered.

ADDRESSES: Protests of the survey should be sent to the Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

FOR FURTHER INFORMATION CONTACT: Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5003, *HMontoya@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the National Parks Service, Midwest Regional Office, Omaha, Nebraska, and was necessary to determine boundaries of Federal lands.

The lands we surveyed are:

Black Hills Meridian, South Dakota

T. 3 S., R. 14 E.

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of section 21, Township 3 South, Range 14 East, Black Hills Meridian, South Dakota, was accepted February 10, 2016.

We will place a copy of the plat, in one sheet, and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in one sheet, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in one sheet, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Authority 43 U.S.C. Ch. 3.

Joshua F. Alexander,

Acting Chief, Branch of Cadastral Survey, Division of Energy, Minerals and Realty.

[FR Doc. 2016–06115 Filed 3–17–16; 8:45 am]

BILLING CODE 4310– DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2016–0003]

Notice of Availability (NOA) of and Request for Comments on the 2017–2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Proposed Program MAA104000

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of availability and request for comments.

SUMMARY: BOEM is announcing the availability of, and requests comments on, the 2017–2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Proposed Program (Proposed Program). This proposal is the second of three proposals for the 2017–2022 OCS Oil and Gas Leasing Program that will succeed the current, 2012–2017 Program. The Proposed Program provides information and analyses to inform the Secretary of the Interior's (Secretary) decision on the size, timing, and location of leasing in the 2017–2022 Program.

Section 18 of the OCS Lands Act (43 U.S.C. 1344) specifies a multi-step process of consultation and analysis that must be completed before the Secretary may approve a new Five-Year Program. The required steps following this notice include the development of a Proposed Final Program (PFP) analysis and Secretarial decision. In conjunction with this notice, BOEM is publishing the Draft Programmatic Environmental Impact Statement (PEIS) for the 2017–2022 Program, which was prepared in accordance with the National Environmental Policy Act (NEPA).

DATES: Please submit comments and information to BOEM no later than June 16, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Hammerle, Five-Year Program Manager, at (703) 787–1613 or *Kelly.hammerle@boem.gov.*

Public Comment Procedure

BOEM will accept comments in one of two formats: Via the Federal internet commenting system at *http://www.regulations.gov* or through the U.S. mail. Comments submitted by other means may not be considered. BOEM's preference is to receive comments via the internet commenting system. Comments should be submitted using only one of these formats, and the full name and address of the individual submitting the comment(s) should be included. 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.

In order to ensure security and confidentiality of proprietary information to the maximum extent possible, BOEM requests that proprietary information only be sent by U.S. mail. In addition to prominently stating that proprietary information is contained in a comment at the beginning of the submission, comments should be sent in a plain outer envelope with an inner envelope stating that proprietary information is contained within.

Commenting via Internet

Internet comments should be submitted via the Federal eRulemaking Portal at *http://www.regulations.gov.* BOEM requests that commenters follow these instructions to submit their comments via this Web site:

(1) In the search tab on the main regulations.gov page, search for BOEM–2016–0003.

(2) Locate the document, then click the ''Submit a Comment'' link either on the Search Results page or the Document Details page. This will display the Web comment form.

(3) Enter the submitter information and type the comment on the Web form. Attach any additional files (up to 10 MB). (BOEM cannot ensure the security or confidentiality of information sent via the internet; therefore such information should be provided by U.S. mail as provided in the Public Comment Procedure section of this notice.)

(4) After typing the comment, click the ''Preview Comment'' link to review. Once satisfied with the comment, click the ''Submit'' button to send the comment.

Information on using regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

Commenting via U.S. Mail

Comments and information on the 2017–2022 Program should be mailed to Ms. Kelly Hammerle, Five-Year Program Manager, BOEM, 45600 Woodland Road, VAM–LD, Sterling, Virginia 20166.

SUPPLEMENTARY INFORMATION: BOEM requests comments from states, local governments, Federal agencies, Native groups, tribes, the oil and gas industry, environmental and other public interest organizations, non-energy industries, all other interested parties, and the public to assist in the continued preparation of the 2017–2022 Program. The Proposed Program and supplemental information may be viewed on and downloaded from the BOEM Web site at *www.BOEM.gov/Five-Year-Program-2017-2022.* Additionally, information on the development of the PEIS can be found at *www.boemoceaninfo.com.*

Background

Section 18 of the OCS Lands Act requires the Secretary to prepare and maintain a schedule of proposed OCS oil and gas lease sales determined to ''best meet national energy needs for the 5-year period following its approval or reapproval.'' This Proposed Program is the second of three proposed leasing schedules for OCS lease sales under the 2017–2022 Program. The first proposal, the Draft Proposed Program (DPP), was published on January 29, 2015, and was followed by a 60-day comment period that ended on March 30, 2015.

The areas identified in the Proposed Program were chosen after careful consideration of the factors specified in Section 18 of the OCS Lands Act and the comments received during the DPP comment period. Included in this Proposed Program is an analysis of the lease sale options identified by the Secretary in the DPP. The development of the Five-Year Program is a winnowing process; thus, only those areas that the Secretary decided were appropriate to include in the DPP are analyzed in the Proposed Program and the associated Draft Programmatic Environmental Impact Statement (PEIS). Hereafter, only the OCS areas that the Secretary includes in the Proposed Program lease sale schedule will be analyzed in the Proposed Final Program (PFP) and in the Final PEIS. Inclusion of an area at the DPP or Proposed Program phase does not mean that it will be included in the Program or offered in a lease sale because steps still remain for reducing or removing areas or lease sales from leasing consideration.

Before the new Program is approved and implemented, BOEM will accept and consider comments on the Proposed Program and issue a PFP for public review, accompanied by the Final PEIS.

Summary of the Proposed Program

As part of the Administration's energy strategy, the Proposed Program continues the tailored leasing strategy set forth in the current 2012–2017 Program that takes into account regional differences in developing the proposed lease sale schedule. In weighing the Section 18 factors to develop a nationwide program, region-specific information was taken into account, including information about resource potential; the status of resource development and infrastructure to support oil and gas activities and emergency response capabilities; recognition of regional interests and concerns; and the need to balance the development of offshore oil and gas resources with protection of the marine, coastal, and human environments. Further, for preparation of the Proposed Program, robust consideration was given to the substantial stakeholder dialogue and public comments that stemmed from publication of the DPP.

After careful consideration of public input and examination of the OCS Lands Act Section 18(a)(2) factors, the Proposed Program proposes lease sales in OCS areas that have high oil and gas resource values, while recognizing potential environmental and socioeconomic impacts, concerns, and competing uses of ocean and coastal areas. In total, the Proposed Program makes available for leasing areas that contain over 70 percent of the undiscovered technically recoverable oil and gas resources estimated to exist on the OCS. The Proposed Program contains a proposed lease sale schedule that includes 13 sales in six OCS planning areas where there are currently existing leases and known or anticipated hydrocarbon potential (see Table 1 below).

TABLE 1—2017–2022 PROPOSED PROGRAM LEASE SALE SCHEDULE

Year	Planning area	Sale No.
1. 2017	Gulf of Mexico	249
2. 2018	Gulf of Mexico	250
3. 2018	Gulf of Mexico	251
4. 2019	Gulf of Mexico	252
5. 2019	Gulf of Mexico	253
6. 2020	Gulf of Mexico	254
7. 2020	Beaufort Sea	255
8. 2020	Gulf of Mexico	256
9. 2021	Gulf of Mexico	257
10. 2021	Cook Inlet	258
11. 2021	Gulf of Mexico	259
12. 2022	Gulf of Mexico	261
13. 2022	Chukchi Sea	262

Gulf of Mexico Region

The GOM combines the most abundant proven and estimated oil and gas resources, broad industry interest, and well-developed infrastructure. The oil and gas resource potential of the Western and Central GOM, as well as the portion of the Eastern GOM not subject to Congressional moratorium, is the best understood of all of the OCS planning areas. Not only are the oil and gas resource volume estimates for the GOM OCS unparalleled, the GOM area has mature infrastructure to support the development of oil and gas activities and provide response capabilities in the event of an emergency.

In considering and balancing the Section 18 factors, the Proposed Program is tailored to support development commensurate with the presence and maturity, or lack thereof, of offshore oil and gas activity. Of the 13 lease sales included in the Proposed Program, 10 are in the GOM, where infrastructure is best-established, and there is strong adjacent state support and significant oil and gas resource potential. The GOM proposal identified for further detailed analysis in the Proposed Final Program and the Final PEIS includes region-wide sales: one sale in 2017 and 2022, and two sales in 2018, 2019, 2020, and 2021 (see Table 1).

In the past, BOEM has scheduled separate annual sales, generally alternating between the Western and Central GOM, and periodic sales in the portion of the Eastern GOM not under Congressional moratorium. This Proposed Program considers region-wide sales comprised of the combined Western, Central, and Eastern GOM planning areas' unleased acreage not subject to moratoria or otherwise unavailable (see Figure 1). BOEM is proposing this change to provide greater flexibility to industry, including more frequent opportunities to bid on rejected, relinquished, or expired OCS lease blocks, as well as facilitating better planning to explore resources that may

straddle the U.S.-Mexico boundary. Any individual sale could be scaled back during the lease sale process to conform more closely to the traditional separate planning area model should circumstances warrant. Further, the Proposed Final Program will analyze, as an option, the traditional, separate planning area model, which includes five sales in the Western GOM and five in the combined Central/Eastern GOM not subject to moratoria or otherwise unavailable. A 15-mile no-leasing buffer south of Baldwin County, Alabama, as requested by the OCS Governors Coalition in a letter to which the Governor of Alabama was a signatory, will also continue to be analyzed in the PFP.

Alaska Region

In Alaska, the Proposed Program continues to take a balanced approach to development, utilizing the targeted leasing strategy set forth in the 2012–2017 Program by identifying one potential lease sale each in the Beaufort Sea (2020), Cook Inlet (2021), and Chukchi Sea (2022) planning areas (see Figure 2). These potential sales in the three Alaska program areas are currently scheduled later in the Proposed Program to provide additional opportunity to evaluate and obtain information regarding environmental issues, subsistence use needs, and infrastructure capabilities, as well as results from any exploration or development activity associated with existing leases. Consistent with what was set forth in the 2012–2017 Program, BOEM will continue to use scientific information and stakeholder feedback to proactively determine, in advance of any potential sale under the 2017–2022 Program, which specific areas offer the greatest resource potential, while minimizing potential conflicts with environmental, subsistence, and other uses.

The Proposed Program includes a potential Beaufort Sea sale in 2020. Using input from the PEIS public scoping process, as well as a thorough review of available scientific information, including traditional knowledge, BOEM is considering whether environmentally important areas—such as Cross Island, Barrow Canyon, Camden Bay, an additional area near the existing Kaktovik withdrawal, and other areas identified in the PEIS—merit additional mitigation or protection during the subsequent phases of the 2017–2022 Program development and/or the lease sale process. The Proposed Program analyzes an option to advance the Beaufort lease sale to 2019, in light of the Governor of Alaska's request to advance the sale.

The Proposed Program includes a potential Chukchi Sea sale in 2022. Using input from the PEIS, BOEM will continue to consider potential mitigation or exclusion areas, such as areas near Hanna Shoal that include a walrus foraging area and movement corridor, during the subsequent phases of both the 2017–2022 Program development and/or the lease sale process.

A potential lease sale is scheduled for 2021 in the Cook Inlet Program Area that includes the northern portion of the Cook Inlet Planning Area (see Figure 2). The design of this lease sale balances the protection of endangered species, for example, taking into account the beluga whale and the northern sea otter critical habitat, as identified in 2013 in the Cook Inlet Lease Sale 244 Area Identification, with the availability for leasing of the areas with industry interest and significant oil and gas resource potential. BOEM will continue to consider potential mitigation or exclusion of areas, such as the beluga whale critical habitat, and other environmentally-sensitive areas, in subsequent steps of the Program development and/or lease sale process.

Atlantic Region

After a robust public comment process, the Mid- and South Atlantic Program Area lease sale proposed for 2021 in the DPP has been removed from the Proposed Program for a number of reasons, including strong local opposition, conflicts with other ocean users, including the Department of Defense and the National Aeronautics and Space Administration's Wallops Flight Facility on Wallops Island, Virginia, and current market dynamics.

The decision to remove the Atlantic from the 2017–2022 Program included careful consideration of the comments received from governors of affected states. In their responses to BOEM, both the Governors of Virginia and North Carolina acknowledged the developmental risks associated with an offshore oil and gas leasing program in the region and indicated that a revenue sharing program was necessary to offset these risks.

Pacific Region

As in the DPP, no lease sale options have been identified in the Pacific Region for additional analysis.

Assurance of Fair Market Value

Section 18 of the OCS Lands Act requires receipt of fair market value from OCS oil and gas leases. BOEM plans to continue to use the two-phase post-sale bid evaluation process that it has used since 1983 to meet the fair market value requirement. BOEM recently revised its post-sale bid evaluation process [see Summary of Procedures for Determining Bid Adequacy at Offshore Oil and Gas Lease Sales: Effective March 2016 at *http://www.boem.gov/Summary-of-Procedures-For-Determining-Bid-Adequacy/*]. Further, the Proposed Program provides that BOEM may set minimum bid levels, rental rates, and royalty rates by individual lease sale based on BOEM's assessment of market and resource conditions closer to the date of the sale.

Information Requested for the Proposed Program

We request comments on the size, timing, and location of lease sales for offshore oil and gas exploration and production activities. Respondents who submitted information in earlier comment periods may wish to refer to that previously submitted information, as appropriate, rather than repeat it in their comments on the Proposed Program. We also invite comments and suggestions on how to proceed with the Section 18 analysis in the Proposed Final Program.

Next Steps in the Process

BOEM currently plans to issue the Proposed Final Program and Final PEIS in late 2016.

Dated: March 14, 2016.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

BILLING CODE 4310–MR–P

Figure 1: 2017–2022 Lower 48 States Proposed Program Areas

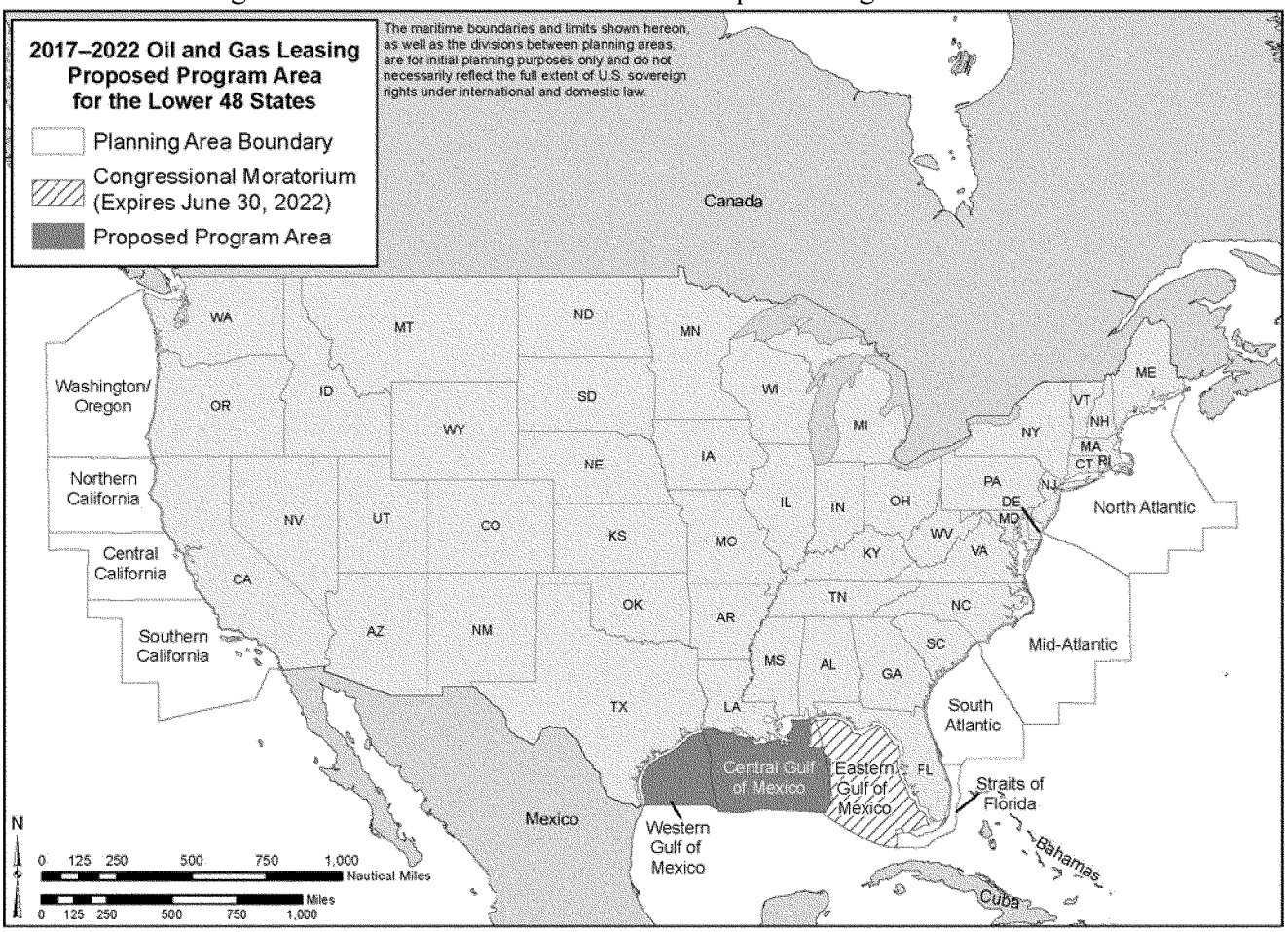
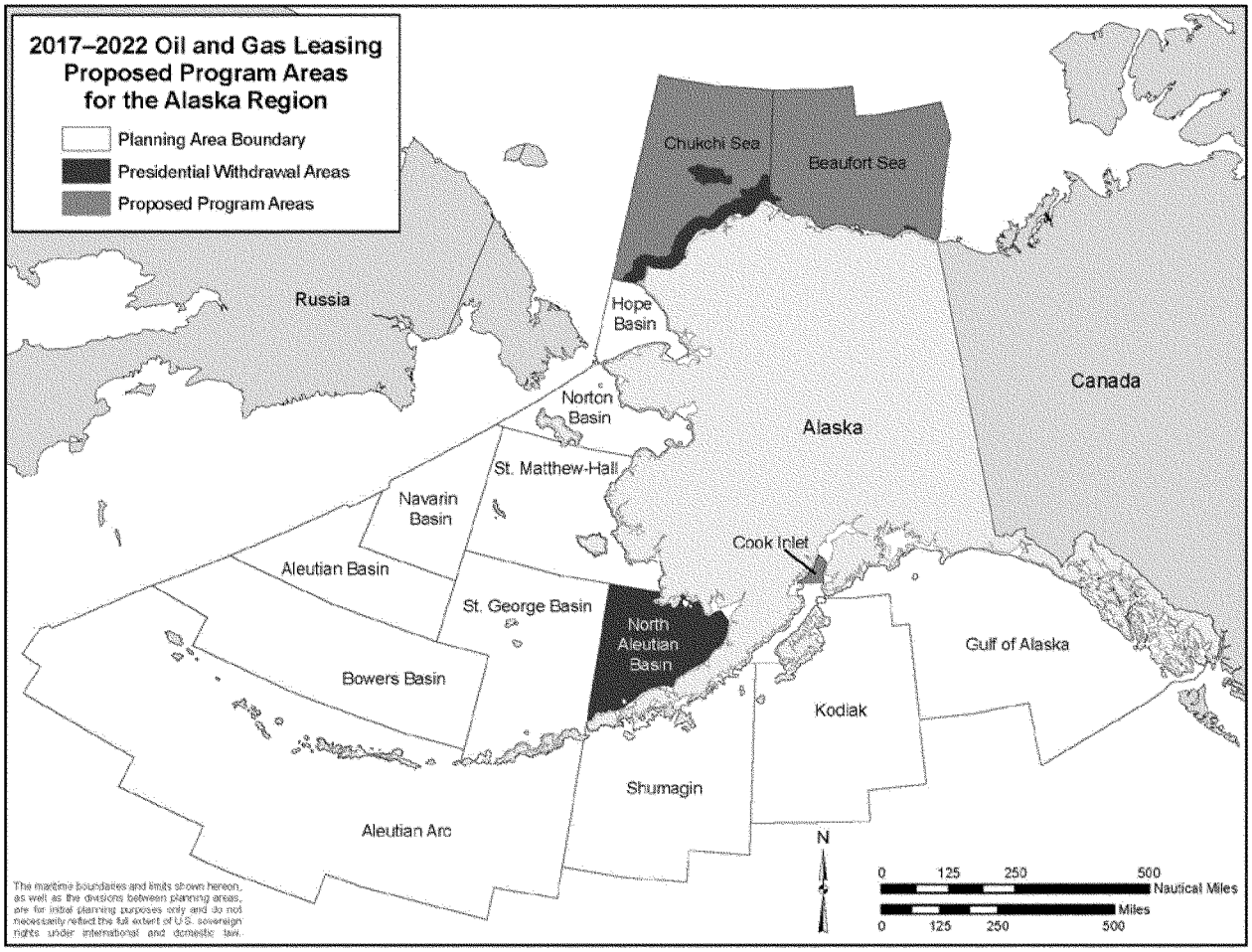


Figure 2: 2017–2022 Alaska Proposed Program Areas



[FR Doc. 2016–06109 Filed 3–17–16; 8:45 am]

BILLING CODE 4310–MR–C

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Draft Programmatic Environmental Impact Statement for the Outer Continental Shelf (OCS) Oil and Gas Leasing Program: 2017–2022

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), BOEM announces the availability of the OCS Oil and Gas Leasing Program 2017–2022 Draft Programmatic Environmental Impact Statement (Programmatic EIS) prepared by BOEM to support the Proposed OCS Oil and Gas Leasing Program for 2017–2022. This notice initiates the public review and comment period and also serves to announce public meetings on the Draft Programmatic EIS. After the public meetings and written comments on the Draft Programmatic EIS have been reviewed and considered, a Final Programmatic EIS will be prepared.

DATES: Comments must be submitted on or before May 2, 2016. See public meeting dates in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: Jill Lewandowski, Ph.D., Bureau of Ocean Energy Management, 45600 Woodland Road VAM–OEP, Sterling, VA 20166; Dr. Lewandowski may also be reached by telephone at (703) 787–1703.

SUPPLEMENTARY INFORMATION: This Draft Programmatic EIS analyzes the potential for environmental impacts related to the establishment of a proposed lease sale schedule during the years 2017 to 2022. The Council on Environmental Quality (CEQ) regulations (40 CFR 1502.4(b)) recommend analyzing the effects of broad programs, such as the 2017–2022 OCS Oil and Gas Program within a single programmatic EIS.

Programmatic EIS Availability: Persons interested in reviewing the 2017–2022 OCS Oil and Gas Leasing Program Draft Programmatic EIS, OCS EIS/EA BOEM 2016–001 can download it on the Internet at *www.boemoceaninfo.com,* or may contact BOEM at the address provided above to request a paper copy or a CD/ROM version. Please specify if you wish a CD/ROM or paper copy. If neither is specified, a CD/ROM containing the Draft Programmatic EIS will be provided.

Library Availability: The Draft Programmatic EIS will also be available for review at libraries in states adjacent to the proposed lease sales. These libraries are listed at the Web site *www.boemoceaninfo.com.*

Written Comments: Comments may be submitted online through *www.regulations.gov.* Please insert ''BOEM–2016–0002'' into the search box. Written comments may also be submitted via mail to Dr. Jill K.

Lewandowski at the address provided above. Comments delivered via mail should be labeled ''Attn: 2017–2022 OCS Oil and Gas Leasing Program Draft Programmatic EIS.''

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. We will not consider anonymous comments.

Public Meetings: Thirteen public meetings will be held from March 29, 2016, through April 14, 2016, to obtain comments on the 2017–2022 OCS Oil and Gas Leasing Program Draft Programmatic EIS. Meetings in Washington, DC, Houston, TX, New Orleans, LA and Anchorage, AK, will be open house style meetings and will be held from 3:00 to 7:00 p.m. local time, except for New Orleans where the meeting will be held from 2:00 to 6:00 p.m. local time. At most of the other Alaska locations, meetings will be held from 7:00 to 10:00 p.m. local time in a facilitated group format, except for Point Lay which will occur from 3:00 to 6:00 p.m. local time. The Fairbanks and Barrow meetings will be held in a hybrid open house/facilitated group format. Meetings will be held on the following dates and at the following locations.

Washington, DC

- April 4, 2016; Marriott Metro Center, 775 12th St. NW., Washington, DC 3–7 p.m.; valet parking at no charge to meeting attendees up to 8 hours.

Alaska

- March 29, 2016; Kaktovik Community Center, 2051 Barter Avenue, Kaktovik, Alaska; 7–10 p.m.
- March 29, 2016; Northwest Arctic Borough Assembly Chambers, 163 Lagoon Street, Kotzebue, Alaska; 7–10 p.m.
- March 30, 2016, Inupiat Heritage Center, 5421 North Star Street, Barrow, Alaska; 7–10 p.m.
- March 30, 2016; Kisik Community Center, 2230 2nd Avenue, Nuiqsut, Alaska; 7–10 p.m.
- March 31, 2016; Kali School, 1029 Qasigiakik Street, Point Lay, Alaska; 3–6 p.m.
- March 31, 2016; City Qalgi Center, Point Hope, Alaska; 7–10 p.m.
- March 31, 2016; R. James Community Center, Wainwright, Alaska; 7–10 p.m.
- April 4, 2016; Morris Thompson Cultural & Visitors Center, 101 Dunkel Street, Fairbanks, Alaska; 7–10 p.m.
- April 5, 2016; Embassy Suites, 600 East Benson Boulevard, Anchorage, Alaska; 3–7 p.m.; free parking.
- April 6, 2016, Ninilchik School, 15735 Sterling Highway, Ninilchik, Alaska; 7–10 p.m.

Gulf of Mexico

- April 12, 2016; Hyatt Regency Houston, 1200 Louisiana Street, Houston, Texas; 3–7 p.m.; validated valet parking at hotel.
- April 14, 2016; 1201 Elmwood Park Boulevard, New Orleans, Louisiana; 2–6 p.m.; free parking.

Dated: March 8, 2016.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2016–06110 Filed 3–17–16; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04310000, 16XR0680A1, RX002361010021000]

Notice of Availability and Notice of Public Hearings for the Draft Environmental Impact Statement for the Continued Implementation of the 2008 Operating Agreement for the Rio Grande Project, New Mexico and Texas

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has made available for public review and comment the Draft Environmental Impact Statement (EIS) on continuing to implement the 2008 Operating Agreement for the Rio Grande Project(Operating Agreement), and to implement long-term contracts for storage of San Juan-Chama Project water in Elephant Butte Reservoir. The Operating Agreement is a description of how Reclamation allocates, releases from storage, and delivers Rio Grande Project water to Mexico, the Elephant Butte Irrigation District in New Mexico, and the El Paso County Water Improvement District No. 1 in Texas.

DATES: Written comments on the Draft EIS should be submitted on or before Monday, May 9, 2016.

Public hearings to receive oral or written comments will be held on:

- Thursday, April 7, 2016, from 4 to 7 p.m., Albuquerque, New Mexico; and
- Tuesday, April 12, 2016, from 6 to 9 p.m., Las Cruces, New Mexico.

A court recorder will be available to take comments from the public before a hearing officer during this time.

ADDRESSES: Send written comments to Ms. Rhea Graham, Bureau of Reclamation, Albuquerque Area Office, ALB–103, 555 Broadway Boulevard NE., Suite 100, Albuquerque, New Mexico 87102; or via email to *rgraham@usbr.gov.*

Public hearings will be held in the following locations:

- Albuquerque—Albuquerque Area Office, 555 Broadway Boulevard NE., Suite 100, Albuquerque, New Mexico.
- Las Cruces—Elephant Butte Irrigation District, 530 South Melendres Street, Las Cruces, New Mexico.

To request a compact disc of the Draft EIS, please contact Ms. Rhea Graham as indicated above, or call (505) 462–3560.

The Draft EIS may be viewed at the Bureau of Reclamation's Web site at *http://www.usbr.gov/uc/envdocs/eis.html.* For those without Internet access, copies of the EIS are available for public inspection at specified government and quasi-state offices.

See the **SUPPLEMENTARY INFORMATION** section for specific locations where the Draft EIS is available for public review and inspection.

FOR FURTHER INFORMATION CONTACT: Ms. Rhea Graham, EIS Project Manager, Bureau of Reclamation, via email at *rgraham@usbr.gov,* or at (505) 462–3560.

SUPPLEMENTARY INFORMATION: This Draft EIS examines whether to continue to implement the Operating Agreement provisions consisting of a diversion ratio adjustment provision and a carryover accounting provision when allocating, releasing from storage, and delivering Rio Grande Project water; as well as whether to store San Juan-Chama Project water in Elephant Butte Reservoir. The area of analysis for the Draft EIS extends from the San Marcial Railroad Bridge above Elephant Butte Reservoir in New Mexico to the El Paso/Hudspeth County Line in Texas; the diversion headings where Reclamation delivers Rio Grande Project allocations are located between Caballo Dam and International Dam.

Reclamation allocates Rio Grande Project water supplies such that the diversion allocations to Elephant Butte Irrigation District (EBID) and El Paso County Water Improvement District No. 1 (EPCWID) are proportionate to each district's respective acreages. After annual calculation of Rio Grande Project

allocations, Reclamation delivers water to each district's diversion headings, and delivers to the International Boundary and Water Commission, in compliance with the Convention of 1906 with Mexico.

The proposed Federal action analyzed in this Draft EIS is to continue to implement the Operating Agreement, which fulfills obligations in Reclamation contracts with the EBID and EPCWID, as well as resolves litigation in compliance with the legal settlement *State of New Mexico ex rel. Office of the State Engineer* v. *Elephant Butte Irrigation District, et al.*

The Operating Agreement is a description of how Reclamation allocates, releases from storage, and delivers Rio Grande Project water. The provisions adopted in the Operating Agreement reflect the interest of Reclamation, EBID, and EPCWID in the long-term sustainability of the Rio Grande Project.

The Draft EIS Analyzes Five Alternatives

The Draft EIS describes a No-Action Alternative (Alternative 1) and examines four Action Alternatives (Alternatives 2, 3, 4, and 5). All five alternatives were simulated with an integrated surface water/groundwater model developed from historical hydrology to simulate potential future hydrology through the terms of the Operating Agreement, and the simulations show the effect of current climate change scenarios on future hydrology. Reclamation consulted on effects to biological resources under Section 7 of the Endangered Species Act, and the biological opinion issued by the U.S. Fish and Wildlife Service (Service) may be viewed on the Service's Web site at *http://www.fws.gov/southwest/es/NewMexico/ES_bio_op.cfm.*

Alternative 1: The No-Action Alternative

Under Alternative 1, Reclamation would continue implementation through 2050 of the operating procedures defined in the Operating Agreement. Under these operating procedures, both provisions (diversion ratio and carryover allocation) of the Operating Agreement would continue. The implementation of the diversion ratio adjustment provision of the Operating Agreement in computing annual diversion allocations would continue. The carryover accounting provisions of the Operating Agreement allowing carryover of the unused allotment balance from one year to the next would continue. Under Alternative 1, Reclamation would execute a multi-year contract through 2050 for the Albuquerque Bernalillo County Water Authority to store up to 50,000 acre-feet per year of San Juan-Chama Project water in Elephant Butte Reservoir every year, if reservoir space is available.

Alternative 2: No San Juan-Chama Project Storage

Alternative 2 would continue to implement the diversion ratio adjustment provision of the Operating Agreement in computing annual diversion allocations, and continue to implement the carryover accounting provisions of the Operating Agreement, which allow carryover of unused allotment balance from one year to the next. However, there would be no storage of San Juan-Chama Project water in Elephant Butte Reservoir. San Juan Chama-Project repayment contractors receive their annual water allocations with no provisions for carryover; therefore, contractors can benefit by storing unused annual allocations in Elephant Butte Reservoir for future use.

Alternative 3: No Carryover Provision

Alternative 3 would continue to implement the diversion ratio adjustment provision of the Operating Agreement in computing annual diversion allocations, but would eliminate the carryover allocations, and each district would relinquish the unused allotment balance at the end of each calendar year. Alternative 3 would continue to store up to 50,000 acre-feet per year of San Juan-Chama Project water in Elephant Butte Reservoir. Alternative 3 is the same as Alternative 1 (No-Action Alternative), except Reclamation would not continue to implement the carryover allocation accounting provisions of the Operating Agreement. Using the hydrology model simulations, the effects of the carryover provision of the Operating Agreement can be determined.

Alternative 4: No Diversion Ratio Adjustment

Alternative 4 would compute the annual diversion allocations based only on the regression equations in the Operating Agreement, but without adjusting for variations in Rio Grande Project performance from the effects of losses and inflows on deliveries. Alternative 4 would continue to implement the carryover accounting provisions of the Operating Agreement, allowing carryover of unused allotment balance from one year to the next. Alternative 4 would continue to store up to 50,000 acre-feet per year of San Juan-Chama Project water in Elephant Butte Reservoir. Alternative 4 is the same as Alternative 1 (No-Action Alternative), except Reclamation would not implement the diversion ratio adjustment provision of the Operating Agreement. Using the hydrology model simulations, the effects of the diversion ratio adjustment provision of the Operating Agreement can be determined.

Alternative 5: Prior Operating ''Ad Hoc'' Practices

Alternative 5 would compute the annual diversion allocations based only on regression equations that reflect historical conditions and Rio Grande Project performance, without adjusting for variations in Rio Grande Project performance; and also, would eliminate the carryover allocations and each district would relinquish the unused allotment balance at the end of each calendar year. Alternative 5 would continue to store up to 50,000 acre-feet per year of San Juan-Chama Project water in Elephant Butte Reservoir. Alternative 5 allows comparison through 2050 of operations under the Operating Agreement and a simulation of procedures prior to the Operating Agreement, by eliminating the carryover and diversion ratio adjustment provisions. Alternative 5 is the best possible representation of prior operating practices in a modeling context, but is not the same as historical operations. Alternative 5 would not continue implementation of the Operating Agreement.

Public Review and Where To Find Copies of the Draft EIS

Copies of the Draft EIS are available for public review and inspection at the following locations:

- Bureau of Reclamation, Albuquerque Area Office, 555 Broadway NE., Suite 100, Albuquerque, New Mexico 87102.
- Bureau of Reclamation, El Paso Field Division, 10737 Gateway West, Suite 350, El Paso, Texas 79935.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.
- Elephant Butte Irrigation District, 530 South Melendres Street, Las Cruces, New Mexico 88005.
- El Paso County Water Improvement District No. 1, Main Office, 13247 Alameda Avenue, Clint, Texas 79836.
- El Paso County Water Improvement District No. 1, Canutillo Office, 7254 La Junta Drive, Canutillo, Texas 79835.

Special Assistance for Public Hearings

If special assistance is required to participate in the public hearing, please contact Ms. Tina Villegas at (505) 462–3542, or via email at *tvillegas@usbr.gov.* Please contact Ms. Villegas at least 10 working days prior to the hearing. A telephone device for the hearing impaired (TTY) is available at 1–800–877–8339.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 17, 2016.

Brent Rhees,

Regional Director.

[FR Doc. 2016–05889 Filed 3–17–16; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 167S180110; S2D2S SS08011000 SX064A000 16XS501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0117

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed approval from the Office of Management and Budget (OMB) to continue collecting information for Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information. The information collection request describes the nature of the information collection and its expected burden and cost.

DATES: Comments on the proposed information collection must be received by May 17, 2016, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease, at (202) 208–2783 or by email at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies an information collection that OSMRE will be submitting to OMB for extension. This collection is contained in 30 CFR part 778—Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information.

OSMRE has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSMRE will request a 3-year term of approval for each information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0117 and is displayed at 30 CFR 778.8.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will be included in OSM's submissions of the information collection request to OMB.

Title: 30 CFR part 778—Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information.

OMB Control Number: 1029–0117.

Summary: Section 507(b) of Public Law 95–87 provides that persons conducting coal mining activities submit to the regulatory authority all relevant information regarding ownership and control of the mining company, their compliance status and history, and authority to mine the property. This information is used to insure all legal, financial and compliance requirements are satisfied prior to issuance or denial of a permit.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Surface coal mining permit applicants and State regulatory authorities.

Total Annual Responses: 1,091 permit applicants and 448 State regulatory authorities.

Total Annual Burden Hours: 4,512.

Total Non-labor Costs: $0.

Obligation to Respond: Required in order to obtain or retain benefits.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 15, 2016.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2016–06132 Filed 3–17–16; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–556 and 731–TA–1311 (Preliminary)]

Truck and Bus Tires From China; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of truck and bus tires from China, provided for in statistical reporting numbers 4011.20.1015 and 4011.20.5020 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV''), that are allegedly subsidized by the government of China.[2] [3] [4]

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Dean A. Pinkert, and Commissioners Irving A. Williamson, and Rhonda

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On January 29, 2016, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, PA filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of truck and bus tires from China. Accordingly, effective January 29, 2016, the Commission, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation No. 701–TA–556 and antidumping duty investigation No. 731–TA–1311 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 4, 2016 (81 FR 6042). The conference was held in Washington, DC, on February 19, 2016, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on March 14, 2016. The views of the Commission are contained in USITC Publication 4601 (March 2016), entitled *Truck and Bus Tires from China: Investigation Nos. 701–TA–556 and 731–TA–1311 (Preliminary).*

By order of the Commission.

Issued: March 15, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–06122 Filed 3–17–16; 8:45 am]

BILLING CODE 7020–02–P

K. Schmidtlein determine that there is a reasonable indication that the domestic industry is materially injured by reason of subject imports.

[3] Commissioner David S. Johanson determines that there is a reasonable indication that the domestic industry is threatened with material injury by reason of subject imports.

[4] Chairman Meredith M. Broadbent and Commissioner F. Scott Kieff determine that there is no reasonable indication that a domestic industry is materially injured or threatened with material injury by reason of subject imports.

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–990]

Certain Mobile Electronic Devices Incorporating Haptics (Including Smartphones and Smartwatches) and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 11, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Immersion Corporation of San Jose, California. A supplement to the complaint was filed on February 24, 2016. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices incorporating haptics (including smartphones and smartwatches) and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,773,356 (''the '356 patent''); U.S. Patent No. 8,619,051 (''the '051 patent''); and U.S. Patent No. 8,659,571 (''the '571 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, as supplemented, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2015).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on March 14, 2016, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile electronic devices incorporating haptics (including smartphones and smartwatches) and components thereof by reason of infringement of one or more of claims 1–3, 5, 7, 9–13, 15, 17, 19–23, 25, and 26 of the '356 patent; claims 1–3 and 5–15 of the '051 patent; and claims 1–7, 12–18, and 23–29 of the '571 patent, and whether an industry in the United

States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Immersion Corporation, 50 Rio Robles, San Jose, CA 95134.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

AT&T Inc., 208 South Akard Street, Dallas, TX 75202.

AT&T Mobility LLC, 1025 Lenox Park Boulevard NE., Atlanta, GA 30319.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 14, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–06112 Filed 3–17–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 16–5]

Kristen Lee Raines, A.P.R.N.; Decision and Order

On September 16, 2015, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Kristen Lee Raines, A.P.R.N. (hereinafter, Respondent), of Little Rock, Arkansas. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration MR1972632, pursuant to which she is authorized to dispense controlled substances in schedules III through V, as a mid-level practitioner, as well as the denial of any pending applications to renew or modify her registration, on the ground that she does not have authority to dispense controlled substances in Arkansas, the State in which she holds her registration. Show Cause Order at 1.

The Show Cause Order alleged that Respondent's registration will not expire until April 30, 2018. *Id.* The Show Cause Order then alleged that the Arkansas State Board of Nursing had issued an Order, which summarily suspended Respondent's nursing and advance practice nursing licenses effective on June 19, 2015. *Id.* The Show Cause Order thus alleged that Respondent is ''without authority to handle controlled substances in Arkansas,'' and as a consequence, her DEA registration is subject to revocation. *Id.* (citing 21 U.S.C. 802(21), 823(f), and 824(a)(3)).

Following service of the Show Cause Order, Respondent, through her counsel, requested a hearing on the allegations. In her hearing request, Respondent did not dispute that her registration does not expire until April 30, 2018. Resp. Hearing Req., at 1. Nor did she dispute that the Arkansas State Board of Nursing had summarily suspended her nursing and advance practice nursing licenses. *Id.* Instead, Respondent objected to the proposed action ''on the grounds that the Show Cause Order and suspension of her Arkansas nursing license and advance practice nursing license stem from unfounded and unsubstantiated allegations that she violated . . . 21 U.S.C. 841(a)(1) and (b)(1)(e) by the U.S. Attorney in'' a criminal case brought against her in the Eastern District of Arkansas. *Id.* Respondent further asserted that ''she did not knowingly or intentionally distribute [h]ydrocodone and [a]lprazolam . . . without an effective prescription.'' *Id.* Respondent further stated that she has pled not guilty to the charges and believes that she will be acquitted. *Id.*

Thereafter, the matter was placed on the docket of the Office of Administrative Law Judges and assigned to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, CALJ). On October 20, 2015, the CALJ issued an order directing the Government to file evidence to support the allegation and any motion for summary disposition by October 30, 2015; the order also provided that Respondent should respond to the Government's expected motion no later than November 13, 2015.

On October 26, 2015, the Government filed its Motion for Summary Disposition. As support for the Motion, the Government attached a copy of the decision and order of the Arkansas State Board of Nursing, which summarily suspended Respondent's advance practice nursing license and nursing license effective June 19, 2015. Mot. for Summ. Disp., at Attachment 3, at 3 (Findings of Fact, Conclusions of Law, and Order, at 3; *In re Kristen Lee Raines Plant Raines* (Ark. Bd. of Nursing, June 19, 2015) (hereinafter, Nursing Board Order). The Government also provided a printout from the Nursing Board's Web site (dated September 4, 2015) showing that both Respondent's RN and Certified Nurse Practitioner licenses were suspended. Mot. for Summ. Disp., at Attachment 4.

Respondent opposed the Government's Motion. In her opposition, Respondent asserted that she has been wrongly accused, and that the State Board's suspension of her licenses is the ''result of her wrongful indictment.'' Resp. Reply to Govt's Mot. for Summ. Disp., at 3. She further argued that the DEA may exercise discretion in determining the appropriate sanction and that revocation of her registration ''is an unjust and overly severe punishment given the circumstances, particularly that the

Government [*i.e.,* the U.S. Attorney] admits it lacks the evidence to substantiate the criminal indictment against'' her. *Id.* at 5. She then maintains that suspending her registration ''pending the outcome [of the criminal case] is more appropriate and fair in light of the facts and circumstances of this case,'' and that ''[i]t would be a further miscarriage of justice to revoke her [registration] on top of her criminal indictment absent any corroborating evidence thereof.'' *Id.* at 5–6.[1]

On November 16, 2015, the CALJ granted the Government's motion. The CALJ correctly rejected Respondent's request for a stay of the proceedings, noting that a stay can rarely be justified by the existence of collateral proceedings.[2] Order Granting Govt's Mot. for Summ. Disp., at 4 (citing *Grider Drug #1 & Grider Drug #2,* 77 FR 44070, 44104 n.97 (2012)). Finding it undisputed ''that the Respondent lacks state authority to handle controlled substances in the [S]tate of Arkansas,'' the CALJ concluded that ''[b]ecause the Respondent lacks such state authority, both the plain language of applicable federal statutory provisions and Agency interpretive precedent dictate that she is not entitled to maintain her DEA registration.'' Order Granting Govt's Mot. for Summ. Disp., at 6. The CALJ thus recommended that I revoke Respondent's registration.

Neither party filed exceptions to the CALJ's Recommended Decision. Thereafter, the record was forwarded to me for Final Agency Action. Having reviewed the record in its entirety, I adopt the CALJ's factual finding, his legal conclusion and recommended disposition. I make the following findings:

Findings of Fact

Respondent is the holder of DEA Certificate of Registration MR1972632, pursuant to which she is authorized to dispense controlled substances in schedules III through V, as a mid-level practitioner, at the address of 14312 Ridgewood Dr., Little Rock, Arkansas 72211. Gov. Mot. for Summ. Disp., Attachment 1, at 1. Respondent's registration does not expire until April 30, 2018. *Id.*

Respondent is also the holder of Advanced Practice Registered Nurse License A003251 and Registered Nurse License R063743 issued by the Arkansas State Board of Nursing. Nursing Board Order, at 1. On June 19, 2015, the Board ordered the summary suspension of both of these licenses. *Id.* at 3. According to the results of an online search using the Arkansas Board's license verification page, Respondent's licenses remain suspended.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823, ''upon a finding that the registrant . . . has had [her] State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' Moreover, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See Alfred Tennyson Smurthwaite,* 43 FR 11873 (1978) (''State authorization to handle controlled substances is a prerequisite to the issuance and retention of a Federal controlled substances registration.'') (citations omitted).

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[ ] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever she is no longer authorized to dispense controlled substances under the laws of the State in which she practices medicine. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988).

Thus, the Agency has held that revocation is warranted even where, as here, the state board has suspended (as opposed to revoked) a practitioner's dispensing authority and that authority may be restored at some point in the future through further proceedings. *See Ramsey* 76 FR at 20036 (citations omitted); *see also Frederick Marsh Blanton,* 43 FR 27616 (1978) (revoking registration of physician whose medical license had been suspended for one year, but placed on probation for three years thereafter). As the Agency has held, the controlling question is not whether a practitioner's license to practice medicine in the state is suspended or revoked; rather, it is whether the Respondent is currently authorized to handle controlled substances in the state. *James L. Hooper,* 76 FR 71371 (2011) (collecting cases), *pet. for rev. denied, Hooper* v. *Holder,* 481 Fed. Appx. 826 (4th Cir. 2012); *Blanton,* 43 FR at 27616 (''As a result of the suspension of his medical license, the [r]espondent is no longer authorized to dispense or otherwise handle controlled substances under the laws of Florida. Accordingly . . . the [r]espondent's DEA registration must be revoked[.]'').

Respondent further argues that I should consider that the Nursing Board's case ''is the ''result of her wrongful indictment'' by the United States Attorney and that the latter has admitted that he ''lacks the evidence to substantiate the criminal indictment against'' her. This argument is simply a

[1] In opposing the Government's motion, Respondent attached a copy of the indictment, as well as the Assistant United States Attorney's response and supplemental response to her motion to compel discovery. Respondent also submitted an affidavit in which she asserts that she is not guilty of the charges and that she is confident that the charges will either be dismissed or that she will be acquitted. Resp. Reply to Gov. Mot. for Summ. Disp., at Ex. C. Therein, she further asserts that she has requested a hearing on the Nursing Board's action, and that she ''expect[s] that [her] nursing licensed will be restored.'' *Id.* at 2. She also contends that due to the Board's actions against her licenses, ''the additional revocation of my [registration] would affect no change in my employment status and is unnecessary and would serve no public purpose.'' *Id.* She thus requested that the revocation of her registration be stayed pending the outcome of her criminal case and the Nursing Board's action. *Id.*

[2] In his Order, the CALJ noted that ''the Agency recently held revocation proceedings in abeyance at the post-hearing adjudication level for a lengthy period pending the resolution of criminal fraud charges.'' Order Granting Govt's Mot. for Summ. Disp., at 4–5 (citing *Odette L. Campbell,* 80 FR 41062, 41064 (2015)). However, in *Campbell,* the respondent was indicted on 30 counts of health care fraud shortly before the hearing in the matter and also allowed her registration to expire; indeed, the respondent did not file a new application until three months after the hearing. *See* 80 FR at 41063. Thus, at the time the Administrator's Office held the case in abeyance, *Campbell* no longer involved a revocation proceeding. Moreover, had the respondent been convicted on the health care fraud charges, she would have been subject to mandatory exclusion from federal health care programs and her application would have been subject to denial on this basis. *See Arvinder Singh,* 81 FR 8247 (2016) (denying application based, in part, on physician's convictions for health care fraud and mandatory exclusion from federal health care programs pursuant to 42 U.S.C. 1320a–7(a)).

collateral attack on the State Board's proceeding, whose order suspending her state authority remains in effect as of this date. The Agency has held, however, ''that a registrant cannot collaterally attack the result of a state criminal or administrative proceeding in a proceeding under section 304, 21 U.S.C. 824, of the CSA.'' *Muzaffer Aslan,* 77 FR 37068, 37069 (2012) (other citations omitted). ''Rather, Respondent's challenge to the validity of the [Nursing Board's] Order must be litigated in the forums provided by the State of [Arkansas], and [her] contentions regarding the validity of the [Board's] order are not material to this Agency's resolution of whether [she] is entitled to maintain [her] DEA registration in'' Arkansas. *Id.*

Because it is undisputed that Respondent's Arkansas Advanced Practice Nursing License remains suspended, I find that she no longer has authority under the laws of Arkansas, the State in which she is registered, to dispense controlled substances. *See* Ark. Code Ann. Section 17–87–310 (b)(1) (''An advanced practice registered nurse with a certificate of prescriptive authority may receive and prescribe drugs, medicines, or therapeutic devices appropriate to the advanced practice registered nurse's areas of practice in accordance with rules established by the Arkansas State Board of Nursing.''). Therefore, she is not entitled to maintain her DEA registration. *See* 21 U.S.C. 802(21), 823(f), 824(a)(3). Accordingly, I will order that her registration be revoked and that any pending application to renew or modify her registration be denied.[3]

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration MR1972632, issued to Kristen Lee Raines, A.P.R.N., be, and it hereby is, revoked. I further order that any application of Kristen Lee Raines, A.P.R.N., to renew or modify this registration be, and it hereby is, denied. This Order is effective immediately.[4]

Dated: March 11, 2016.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2016–06103 Filed 3–17–16; 8:45 am]

BILLING CODE 4410–09–P

[3] While Respondent also asked that I stay the revocation of her registration pending the resolution of the criminal case and nursing board proceeding, I decline to do so. As the Agency has previously explained, ''in circumstances similar to those raised by Respondent, DEA has repeatedly denied requests to stay the issuance of a final order of revocation, noting that [u]nder the Controlled Substances Act, a practitioner must be currently authorized to handle controlled substances in the jurisdiction in which [she] practices in order to maintain [her] DEA registration.'' *Gregory F. Saric,* 76 FR 16821, 16822 (2011) (internal quotations and citations omitted). Of further note, Respondent's advanced practice nursing license was suspended more than 8 months ago, and yet her license still remains suspended. And while Respondent asserts that the Nursing Board's suspension is the result of the wrongful indictment, she ignores that the Board's order also relied on her having ''prescribed opioids from November 13, 2014 through January 7, 2015 without prescriptive authority.'' Nursing Board Order, at 2.

[4] For the same reasons which led the Nursing Board to conclude ''that an emergency exists constituting a threat to the public health, safety and welfare'' and to order the summary suspension of Respondent's licenses, I conclude that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Cambrex Charles City

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before April 18, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before April 18, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and request for hearings on application to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on July 31, 2015, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616–3466 applied to be registered as an importer of coca leaves (9040), a basic class of controlled substance.

The company plans to import the listed controlled substance for internal use, and to manufacture bulk intermediates for sale to its customers.

Dated: March 8, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06102 Filed 3–17–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request for State Retention of Applications and Job Orders

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension without changes of the data retention required by CFR 652.8(d)(5) of the Wagner-Peyser Act. This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*

DATES: Consideration will be given to all written comments received by May 17, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting the U.S. Department of Labor, Employment and Training Administration, Attention: Adriana Kaplan, by telephone at (202) 693–3740 (this is not a toll free number), by email, at *kaplan.adriana@dol.gov,* TTY/TDD, 1–877–889–5627, (this is a toll-free number), by fax at (202) 693–3587, or by email at 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR is related to Wagner-Peyser job order holds, *i.e.* States retaining applications and job orders for a minimum of one year.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Number 1205–0001.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL-Employment and Training Administration.

Type of Review: New, without changes.

Title of Collection: Work Application/Job Order Recordkeeping.

Form: 1205–0001.

OMB Control Number: 1205–0001.

Affected Public: State governments.

Estimated Number of Respondents: 52.

Frequency: On occasion.

Total Estimated Annual Responses: 52.

Estimated Average Time per Response: Variable.

Estimated Total Annual Burden Hours: 8 hours per state or 416.

Total Estimated Annual Other Cost Burden: $0.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2016–06149 Filed 3–17–16; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Mine Rescue Teams, Arrangements for Emergency Medical Assistance, and Arrangements for Transportation for Injured Persons

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Mine Rescue Teams, Arrangements for Emergency Medical Assistance, and Arrangements for Transportation for Injured Persons,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 18, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201508-1219-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Mine Rescue Teams, Arrangements for Emergency Medical Assistance, and Arrangements for Transportation for Injured Persons information collection requirements codified in regulations 30 CFR part 49 regarding the availability of mine rescue teams, alternate mine rescue capability for small and remote mines and mines with special mining conditions, inspection and maintenance records of mine rescue equipment and apparatus, physical requirements for team members and alternates, and experience and training requirements for team members. Federal Mine Safety and Health Act of 1977 sections 101(a), 103(h), and 115(e) authorize this information collection. *See* 30 U.S.C. 8117(a), 813(h), and 825(e).

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0078.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2016. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 23, 2015 (80 FR 57398).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0078. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Mine Rescue Teams; Arrangements for Emergency Medical Assistance; and Arrangements for Transportation for Injured Persons.

OMB Control Number: 1219–0078.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 215.

Total Estimated Number of Responses: 20,041.

Total Estimated Annual Time Burden: 10,109 hours.

Total Estimated Annual Other Costs Burden: $309,067.

Dated: March 14, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–06150 Filed 3–17–16; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0151]

Proposed Extension of Information Collection; Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles.

DATES: All comments must be received on or before May 17, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0004.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

A program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is essential to protect miners from explosions. Effective and frequent rock dust application is necessary to protect miners from the potential of a float coal dust explosion or, if one occurs, to reduce its propagation. Section 75.400–2 requires that mine operators establish and maintain a ''program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.'' In addition, the cleanup program must be available to the Secretary or authorized representative.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0151.

Affected Public: Business or other for-profit.

Number of Respondents: 322.

Frequency: On occasion.

Number of Responses: 290.

Annual Burden Hours: 422 hours.

Annual Respondent or Recordkeeper Cost: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2016–06133 Filed 3–17–16; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0147]

Proposed Extension of Information Collection; Coal Mine Dust Sampling Devices

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Coal Mine Dust Sampling Devices.

DATES: All comments must be received on or before May 17, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0008.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Continuous Personal Dust Monitors (CPDMs) determine the concentration of respirable dust in coal mines. CPDMs must be designed and constructed for coal miners to wear and operate without impeding their ability to perform their work safely and effectively, and must be durable to perform reliably in normal working conditions of coal mines. Paperwork requirements imposed on applicants are related to the application process and CPDM testing procedures.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Coal Mine Dust Sampling Devices. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Coal Mine Dust Sampling Devices. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs

supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0147.

Affected Public: Business or other for-profit.

Number of Respondents: 1.

Frequency: On occasion.

Number of Responses: 1.

Annual Burden Hours: 41 hours.

Annual Respondent or Recordkeeper Cost: $296,455.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2016–06134 Filed 3–17–16; 8:45 am]

BILLING CODE 4510–43–P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2015–7]

Section 512 Study: Announcement of Public Roundtables

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of public roundtables.

SUMMARY: The United States Copyright Office has undertaken a study to evaluate the impact and effectiveness of the DMCA safe harbor provisions contained in 17 U.S.C. 512. On December 31, 2015, the Office issued a Notice of Inquiry (''NOI'') soliciting written comments in response to a number of topics relating to section 512. *See* 80 FR 81862. The due date for initial written comments in response to the NOI is April 1, 2016. *See* 81 FR 11294. At this time, the Office is announcing it will hold two two-day public roundtables on DMCA safe harbor issues in New York, New York and Stanford, California in May 2016.

Dates and Addresses

The New York roundtable will take place on May 2 and 3, 2016, from 9:00 a.m. to 5:00 p.m. on both days, and will be held in the Lester Pollack Colloquium Room of Furman Hall at the New York University School of Law, 245 Sullivan Street, New York, New York 10012.

The Stanford roundtable will take place on May 12 and 13, 2016, from 9:00 a.m. to 5:00 p.m. on both days, and will be held in the Manning Faculty Lounge of the Stanford Law School, 559 Nathan Abbott Way, Stanford, California 94305.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, *jcharlesworth@loc.gov;* or Karyn Temple Claggett, Director of the Office of Policy and International Affairs and Associate Register of Copyrights, *kacl@loc.gov.* Both can be reached by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: Section 512 of Title 17 codifies provisions of the Digital Millennium Copyright Act (''DMCA''), enacted in 1998, that created a system for copyright owners and internet service providers to address online infringement. This system includes ''safe harbor'' limitations on infringement liability for service providers who comply with statutory requirements to facilitate good-faith, expeditious removal of allegedly infringing content. In light of the exponential growth of content distribution over the internet since the DMCA was enacted, the Copyright Office has undertaken a comprehensive study of the DMCA's notice-and-takedown system. On December 31, 2015, the Office issued an NOI seeking public comment on thirty topics concerning the efficiency and effectiveness of section 512. *See* 80 FR 81862.

At this time, the Copyright Office is providing notice of its intention to seek further input for its study through two two-day public roundtables to be held in New York, New York and Stanford, California. The roundtables will offer an opportunity for interested parties to comment further on the pertinent issues, including topics such as the scope and legal requirements of the DMCA safe harbors; the notice-and-takedown and counter-notification processes, including relevant technological developments; voluntary measures to address online infringement; and the overall effectiveness of section 512. Additional information about the specific topics to be covered at the roundtables is available at *http://copyright.gov/policy/section512/public-roundtable/particpate-request.html.*

The roundtable hearing rooms will have a limited number of seats for participants and observers. Those who seek to participate should complete and submit the form available through the Copyright Office's Web site at *http://copyright.gov/policy/section512/public-roundtable/particpate-request.html* so it is received no later than April 4, 2016. For individuals who wish to observe a roundtable, the Office will provide public seating on a first-come, first-served basis on the days of the roundtables.

Dated: March 15, 2016.

Maria A. Pallante,

Register of Copyrights, U.S. Copyright Office.

[FR Doc. 2016–06200 Filed 3–17–16; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Division of Physics (1208) (V161279)—Site Visit.

Date And Time: April 11, 2016; 8:30 a.m.–7:00 p.m.; April 12, 2016; 8:30 a.m.–3:00 p.m.

Place: University of Illinois, Urbana-Champaign, IL 61801 (CPLC)

Type of Meeting: Part—Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 11, 2016; 8:30 a.m.–7:00 p.m.

08:30 Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m. Lunch with Graduate Students and Postdocs
13:30 Panel Session: Continued Science Presentations, Education and Outreach
16:00 Executive Session—Closed Session
17:00 Poster Session
19:00 Executive Session—Closed Session

April 12, 2016; 8:30 a.m.–3:00 p.m.

08:30 Meeting with University Administrators
To 11:00 Discussion with Center Directors
11:00 Executive Session—Closed Session
15:00 Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 15, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–06156 Filed 3–17–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Division of Physics (1208) (V161028)—Site Visit.

Date and Time: April 14, 2016; 8:30 a.m.–7:00 p.m.; April 15, 2016; 8:30 a.m.–3:00 p.m.

Place: University of Colorado, Boulder, CO 80309 (JILA).

Type of Meeting: Part-Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 14, 2016; 8:30 a.m.–7:00 p.m.

08:30 Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m. Lunch with Graduate Students and Postdocs
13:30 Panel Session: Continued Science Presentations, Education and Outreach
16:00 Executive Session—CLOSED SESSION
17:00 Poster Session
19:00 Executive Session—CLOSED SESSION

April 15, 2016; 8:30 a.m.–3:00 p.m.

08:30 Meeting with University Administrators
To 11:00 Discussion with Center Directors
11:00 Executive Session—CLOSED SESSION
15:00 Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 15, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–06157 Filed 3–17–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Division of Physics (1208) (V1610331)—Site Visit.

Date and Time: May 17, 2016; 8:30 a.m.–7:00 p.m.; May 18, 2016; 8:30 a.m.–3:00 p.m.

Place: University of California, Santa Barbara, Santa Barbara, CA 93106 (KIPT).

Type of Meeting: Part—Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

May 17, 2016; 8:30 a.m.–7:00 p.m.

08:30 Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m. Lunch with Graduate Students and Postdocs
13:30 Panel Session: Continued Science Presentations, Education and Outreach
16:00 Executive Session—CLOSED SESSION
17:00 Poster Session
19:00 Executive Session—CLOSED SESSION

May 18, 2016; 8:30 a.m.–3:00 p.m.

08:30 Meeting with University Administrators
To 11:00 Discussion with Center Directors
11:00 Executive Session—CLOSED SESSION
15:00 Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 15, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–06154 Filed 3–17–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Division of Physics (1208) (V161030)—Site Visit.

Date and Time: May 5, 2016; 8:30 a.m.–7:00 p.m.; May 6, 2016; 8:30 a.m.–3:00 p.m.

Place: University of Chicago, Chicago, IL 60637 (KICP).

Type of Meeting: Part-Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

May 5, 2016; 8:30 a.m.–7:00 p.m.

08:30 Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m. Lunch with Graduate Students and Postdocs
13:30 Panel Session: Continued Science Presentations, Education and Outreach
16:00 Executive Session—CLOSED SESSION

17:00 Poster Session
19:00 Executive Session—CLOSED SESSION

May 6, 2016; 8:30 a.m.–3:00 p.m.

08:30 Meeting with University Administrators
To 11:00 Discussion with Center Directors
11:00 Executive Session—CLOSED SESSION
15:00 Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 15, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–06159 Filed 3–17–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Division of Physics (1208) (V161029)—Site Visit.

Date and Time: April 28, 2016; 8:30 a.m.–7:00 p.m.; April 29, 2016; 8:30 a.m.–3:00 p.m.

Place: Massachusetts Institute of Technology, Cambridge, MA 02139 (CUA).

Type of Meeting: Part—Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 28, 2016; 8:30 a.m.–7:00 p.m.

08:30 Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m. Lunch with Graduate Students and Postdocs
13:30 Panel Session: Continued Science Presentations, Education and Outreach
16:00 Executive Session—Closed Session
17:00 Poster Session
19:00 Executive Session—Closed Session

April 29, 2016; 8:30 a.m.–3:00 p.m.

08:30 Meeting with University Administrators
To 11:00 Discussion with Center Directors
11:00 Executive Session—Closed Session
15:00 Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 15, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–06158 Filed 3–17–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*

SUPPLEMENTARY INFORMATION: On February 5, 2016 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on March 9, 2016 to:

Dr. H. William Detrich, III, Permit No. 2016–025

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2016–06137 Filed 3–17–16; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–409; NRC–2015–0279]

La Crosse Boiling Water Reactor, Dairyland Power Cooperative, Consideration of Approval of Transfer of License and Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct transfer of facility operating license and conforming amendment; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by the Dairyland Power Cooperative (DPC) on October 8, 2015. The application seeks NRC approval of the direct transfer of Facility Operating License No. DPR–45 for the La Crosse Boiling Water Reactor (LACBWR), from the current holder, DPC, to LaCrosseSolutions, LLC (LS) a wholly owned subsidiary of EnergySolutions (ES). The NRC is also considering amending the facility operating license for administrative purposes to reflect the proposed transfer.

DATES: Comments must be filed by April 18, 2016. A request for a hearing must be filed by April 7, 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–2015–0279. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: hearingdocket@nrc.gov*. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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: Marlayna Vaaler, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178, email: *Marlayna.Vaaler@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0279 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–2015–0279.
- 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 (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMNTARY INFORMATION** section.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0279 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 will post all comment submissions at *http://www.regulations.gov* as well as enter 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 the issuance of an Order under § 50.80 of title 10 of the Code of Federal Regulations (10 CFR) approving the direct transfer of control of Facility Operating License No. DPR–45 for the LACBWR, currently held by DPC. The transfer would be to LS, a wholly owned subsidiary of ES. The NRC is also considering amending the facility operating license for administrative purposes to reflect the proposed transfer. The application now being considered is dated October 8, 2015, and was jointly filed by DPC and LS (ADAMS Accession No. ML15307A310).

Following approval of the proposed direct transfer of control of the license, DPC would retain ownership of the facility; however, DPC's licensed possession of nuclear materials, other than the spent fuel, maintenance, and decommissioning authorities would be transferred to LS to complete decommissioning activities at the LACBWR site. LS would lease the aboveground structures other than the independent spent fuel installation (ISFSI) at the site from DCP. LS would be responsible for decommissioning and maintenance of the LACBWR, while DCP will retain authority for the operation of the ISFSI.

The application now being considered is dated October 8, 2015, and was filed by DPC, LS, and ES. LS was established solely for the purpose of decommissioning the LACBWR site and releasing all but the ISFSI site for unrestricted use. After the transfer, LS would complete the decommissioning of the LACBWR facility. The application for transfer does not propose any physical or operational changes to the LACBWR facility beyond those encompassed in the Post Shutdown Decommissioning Activities Report.

Upon issuance of a license amendment providing for termination of the facility operating license, except for the ISFSI site, and upon receipt of a future NRC license transfer approval, LS would transfer responsibility for the LACBWR license back to DPC. Thereafter, DPC would maintain the ISFSI, and the ultimate disposition of the spent nuclear fuel will be provided for under the terms of DPC's Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste with the U.S. Department of Energy. DPC will also continue to maintain its nuclear decommissioning trust, a grantor trust in which funds are segregated from its assets and outside its administrative control, in accordance with the requirements of 10 CFR 50.75(e)(1).

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before making a decision on the transfer, the Commission will evaluate the request against the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91. An Environmental Assessment will not be performed because, pursuant to 10 CFR 51.22(c)(21), license transfer approvals and the associated license amendments are categorically excluded from the requirements to perform an Environmental Assessment.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments

should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 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 20 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 request for a hearing or 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 20 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 20-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 7, 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 7, 2016.

V. 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: (1) Request 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/apply-certificates.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 NRC 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 the 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. 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.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated October 8, 2015.

Dated at Rockville, Maryland, this 8th day of March 2016.

For the Nuclear Regulatory Commission.

Michael A. Norato,

Acting Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2016–05957 Filed 3–17–16; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–70; Order No. 3151]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning

an amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 7 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 21, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On March 11, 2016, the Postal Service filed notice that it has agreed to an amendment to the existing Priority Mail Express, Priority Mail & First-Class Package Service Contract 7 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 changes prices as contemplated by the contract's terms. *Id.* The Postal Service intends for the amendment to become effective two business days after the date that the Commission completes its review of the Notice. *Id.*

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than March 21, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Jennaca D. Upperman 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. CP2016–70 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Jennaca D. Upperman 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 March 21, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–06071 Filed 3–17–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 7, with Portions Filed Under Seal, March 11, 2016 (Notice).

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 18, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 11, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 196 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–95, CP2016–120.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–06108 Filed 3–17–16; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 18, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 11, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 45 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–96, CP2016–121.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–06107 Filed 3–17–16; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77363; File No. SR–NYSE–2016–20]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List Effective March 1, 2016

March 14, 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 March 1, 2016, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to exclude from its average daily volume and certain other calculations any trading day on which the Exchange is not open for the entire trading day and/or a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours. The Exchange proposes to implement the fee change effective March 1, 2016. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, on the Commission's Web site at *http://www.sec.gov,* and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to exclude from its average daily volume (''ADV'')[4] and certain other calculations any trading day on which the Exchange is not open for the entire trading day and/or a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours. The Exchange proposes to implement the fee change effective March 1, 2016.

As provided in the Exchange's Price List, many of the Exchange's transaction fees and credits are based on trading, quoting and liquidity thresholds that member organizations, including Designated Market Makers (''DMMs''), Supplemental Liquidity Providers (''SLPs''), and Retail Liquidity Providers (''RLPs''), must satisfy in order to qualify for the particular rates. The Exchange believes that trading suspensions or disruptions can prevent member organizations, including DMMs, SLPs and RLPs, from engaging in normal trading, quoting and liquidity in their assigned securities, leading to decreased quoting and trading volume compared to ADV. Accordingly, for purposes of determining transaction fees and credits for these market participants based on quoting and/or liquidity levels, ADV, and consolidated ADV (''CADV''),[5] the Exchange proposes to add a new footnote to the Price List designated with an asterisk that would permit the Exchange to exclude any trading day on which (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours. The Exchange's proposal is consistent with the rules of the options trading facility of its affiliates NYSE MKT LLC[6] and NYSE Arca, Inc.[7]

The proposed change would allow the Exchange to exclude days where the Exchange declares a trading halt in all securities or honors a market-wide trading halt declared by another market. The Exchange's proposal would be similar to the current provision in the Price List whereby, for purposes of transaction fees and SLP credits, ADV calculations can exclude early closing days.[8] Generally, this applies to certain days before or after a holiday observed by the Exchange.[9] The Exchange's proposal is consistent with the rules of other self-regulatory organizations.[10]

The Exchange believes that artificially low volumes of trading on days when the Exchange is not open for the entire trading day reduces the average daily activity of member organizations both daily and monthly. Given the decreased trading volumes, the numerator for the monthly calculation (*e.g.,* trading volume) would be correspondingly lower, but the denominator for the threshold calculations (*e.g.,* the number of trading days) would not necessarily be decreased, and could result in an unintended increase in the cost of trading on the Exchange, a result that is unintended and undesirable to the Exchange and its member organizations. The Exchange believes that the authority to exclude days when the Exchange is not open for the entire trading day would provide member organizations with greater certainty as to their monthly costs and diminish the likelihood of an effective increase in the cost of trading.[11]

Similarly, the Exchange proposes to modify its Price List to permit the Exchange to exclude from the above calculations shares traded on a trading day where a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours even if such disruption would not be categorized as a complete outage of the Exchange's system. Such a disruption may occur where a certain securities traded on the Exchange are unavailable for trading due to an Exchange system issue or where, while the Exchange may be able to perform certain functions with respect to accepting and processing orders, the Exchange may be experiencing a failure to another significant process, such as routing to other market centers, that would lead member organizations that rely on such process to avoid utilizing the Exchange until the Exchange's entire system was operational. Once again, the Exchange's proposal is consistent with the rules of other self-regulatory organizations.[12]

The Exchange is not proposing any changes to the level of rebates currently being provided on the Exchange, or to

[4] The defined term ''ADV'' is used here as defined in footnote 2 to the Price List.

[5] NYSE CADV is defined in the Price List as the consolidated average daily volume of NYSE-listed securities.

[6] *See* NYSE Amex Options Fee Schedule (''The Exchange may exclude from its monthly calculations of contract volume any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours'').

[7] *See* NYSE Arca Options Fees and Charges (''The Exchange may exclude from the calculation of ADV contracts traded any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours (''Exchange System Disruption'')).

[8] *See* footnote 4 in the Price List.

[9] For example, the Exchange is closed on Thanksgiving Day and closes early on the Friday immediately following Thanksgiving Day (*e.g.,* Friday, November 25, 2016).

[10] *See* notes 6–7, *supra; see also* NASDAQ Stock Market LLC Rule 7018(j) (''For purposes of determining average daily volume and total consolidated volume under this rule, any day that the market is not open for the entire trading day will be excluded from such calculation.''); International Securities Exchange, LLC Fee Schedule (''For purposes of determining Priority Customer ADV, any day that the regular order book is not open for the entire trading day or the Exchange instructs members in writing to route their orders to other markets may be excluded from such calculation; provided that the Exchange will only remove the day for members that would have a lower ADV with the day included.'').

[11] *See, e.g.,* Securities Exchange Act Release No. 70657 (October 10, 2013), 78 FR 62899 (October 22, 2103) (SR–ISE–2013–51).

[12] *See* notes 6–7, *supra; see also* BATS BZX Exchange Fee Schedule (''The Exchange excludes from its calculation of ADAV and ADV shares added or removed on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours (''Exchange System Disruption''), on any day with a scheduled early market close and on the last Friday in June (the ''Russell Reconstitution Day'').

the thresholds required to achieve each rebate tier.

The proposed change is also not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that it is reasonable to permit the Exchange to eliminate from the calculation days on which the market is not open the entire trading day because it preserves the Exchange's intent behind adopting volume-based pricing. Similarly, the Exchange believes that its proposal is reasonable because it will help provide member organizations with a greater level of certainty as to their level of rebates and costs for trading in any month where the Exchange experiences such a system disruption on one or more trading days. The Exchange is not proposing to amend the thresholds member organizations must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. By eliminating the inclusion of a trading day on which a system disruption occurs, the Exchange would almost certainly be excluding a day that would otherwise lower member organization's trading volume, thereby making it more likely for member organizations to meet the minimum or higher tier thresholds and thus incentivizing member organizations to increase their participation on the Exchange in order to meet the next highest tier.

The Exchange further believes that the proposal is reasonable because the proposed exclusion seeks to avoid penalizing member organizations that might otherwise qualify for certain tiered pricing but that, because of a significant Exchange system problem, would not participate to the extent that they might have otherwise participated. The Exchange believes that certain systems disruptions could preclude some member organizations from submitting orders to the Exchange even if such issue is not actually a complete systems outage.

Finally, the Exchange believes that the proposal is equitable and not unfairly discriminatory because the methodology for the monthly calculations would apply equally to all member organizations and to all volume tiers. The Exchange notes that, although unlikely, there is some possibility that a certain small proportion of member organizations may have a higher ADV as a percentage of average daily volume with their activity included from days where the Exchange experiences a system disruption. The Exchange believes that the proposal would still be equitable and not unfairly discriminatory given that the impacted universe is potentially quite small and that the proposal would benefit the overwhelming majority of market participants and would make the overall cost of trading on the Exchange more predictable for the membership as a whole.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that, with respect to monthly calculations for rebates, there are very few instances where the exclusion would be invoked, and if invoked, would have little or no impact on trading decisions or execution quality. On the contrary, the Exchange believes that the proposal fosters competition by avoiding a penalty to member organizations for days when trading on the Exchange is disrupted for a significant portion of the day and would result in lower total costs to end users, a positive outcome of competitive markets. Further, other options exchanges have adopted rules that are substantially similar to the change in ADV calculation being proposed by the Exchange.[16]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[17] of the Act and subparagraph (f)(2) of Rule 19b–4[18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2016–20 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–NYSE–2016–20. 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

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] 15 U.S.C. 78f(b)(8).

[16] *See* note 5, *supra*.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2016–20 and should be submitted on or before April 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06090 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Securities Act of 1933; Release No. 10054/March 14, 2016; Securities Exchange Act of 1934; Release No. 77367/March 14, 2016]

Order Approving Public Company Accounting Oversight Board Budget and Annual Accounting Support Fee for Calendar Year 2016

The Sarbanes-Oxley Act of 2002, as amended (the ''Sarbanes-Oxley Act''),[1] established the Public Company Accounting Oversight Board (''PCAOB'') to oversee the audits of companies that are subject to the securities laws, and related matters, in order to protect the interests of investors and further the public interest in the preparation of informative, accurate and independent audit reports. The Dodd-Frank Wall Street Reform and Consumer Protection Act[2] amended the Sarbanes-Oxley Act to provide the PCAOB with explicit authority to oversee auditors of broker-dealers registered with the Commission. The PCAOB is to accomplish these goals through registration of public accounting firms and standard setting, inspection, and disciplinary programs. The PCAOB is subject to the comprehensive oversight of the Securities and Exchange Commission (the ''Commission'').

Section 109 of the Sarbanes-Oxley Act provides that the PCAOB shall establish a reasonable annual accounting support fee, as may be necessary or appropriate to establish and maintain the PCAOB. Under Section 109(f) of the Sarbanes-Oxley Act, the aggregate annual accounting support fee shall not exceed the PCAOB's aggregate ''recoverable budget expenses,'' which may include operating, capital and accrued items. The PCAOB's annual budget and accounting support fee are subject to approval by the Commission. In addition, the PCAOB must allocate the annual accounting support fee among issuers and among brokers and dealers.[3]

Section 109(b) of the Sarbanes-Oxley Act directs the PCAOB to establish a budget for each fiscal year in accordance with the PCAOB's internal procedures, subject to approval by the Commission. Rule 190 of Regulation P facilitates the Commission's review and approval of PCAOB budgets and annual accounting support fees.[4] This budget rule provides, among other things, a timetable for the preparation and submission of the PCAOB budget and for Commission actions related to each budget, a description of the information that should be included in each budget submission, limits on the PCAOB's ability to incur expenses and obligations except as provided in the approved budget, procedures relating to supplemental budget requests, requirements for the PCAOB to furnish on a quarterly basis certain budget-related information, and a list of definitions that apply to the rule and to general discussions of PCAOB budget matters.

In accordance with the budget rule, in March 2015 the PCAOB provided the Commission with a narrative description of its program issues and outlook for the 2016 budget year. In response, the Commission provided the PCAOB with economic assumptions and budgetary guidance for the 2016 budget year. The PCAOB subsequently delivered a preliminary budget and budget justification to the Commission. Staff from the Commission's Offices of the Chief Accountant and Financial Management dedicated a substantial amount of time to the review and analysis of the PCAOB's programs, projects and budget estimates; reviewed the PCAOB's estimates of 2015 actual spending; and attended several meetings with management and staff of the PCAOB to further develop the Commission staff's understanding of the PCAOB's budget and operations. During the course of this review, Commission staff relied upon representations and supporting documentation from the PCAOB. Based on this review, the Commission authorized the staff to issue a ''pass back'' letter to the PCAOB. On November 24, 2015, the PCAOB approved its 2016 budget during an open meeting, and subsequently submitted that budget to the Commission for approval.

After considering the above, the Commission did not identify any proposed disbursements in the 2016 budget adopted by the PCAOB that are not properly recoverable through the annual accounting support fee, and the Commission believes that the aggregate proposed 2016 annual accounting support fee does not exceed the PCAOB's aggregate recoverable budget expenses for 2016. The Commission also acknowledges the PCAOB's updated strategic plan and encourages the PCAOB to continue keeping the Commission and its staff apprised of significant new developments. The Commission looks forward to providing views to the PCAOB as future updates are made to the plan.

We understand that the PCAOB has taken significant steps to advance its assessments of the performance and management of the PCAOB's standard-setting process, including the engagement of an external consultant. The Commission directs the PCAOB to continue to provide timely updates throughout the year on the progress of the Board's review of the PCAOB's standard setting process, including anticipated changes to processes or funding.

The Commission recognizes that in recent years, the PCAOB has taken significant steps to establish the Center for Economic Analysis (''Center''). The Commission directs the PCAOB to continue providing quarterly updates to the Commission on the Center's activities and progress towards its stated goals.

The Commission directs the Board to continue to provide in its quarterly reports to the Commission detailed information about the state of the PCAOB's IT program, including planned, estimated, and actual costs for IT projects, and the level of involvement of consultants. These reports also should continue to include: (a) A discussion of the Board's assessment of the IT program; and (b) the quarterly IT

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 7201 *et seq.*

[2] Public Law 111–203, 124 Stat. 1376 (2010).

[3] Separately the Commission is responsible for review of an accounting support fee for the FASB pursuant to Section 109(e) of the Sarbanes-Oxley Act that is allocated among issuers. This separate accounting support fee is not addressed by this order.

[4] 17 CFR 202.190.

report that is prepared by PCAOB staff and submitted to the Board. The Commission also directs the Board during 2016 to continue to include in its quarterly reports to the Commission information about the PCAOB's inspections program. Such information is to include: (a) Statistics relative to the numbers and types of firms budgeted and expected to be inspected in 2016, including by location and by year the inspections are required to be conducted in accordance with the Sarbanes-Oxley Act and PCAOB rules; (b) information about the timing of the issuance of inspections reports for domestic and non-U.S. inspections; and (c) updates on the PCAOB's efforts to establish cooperative arrangements with respective non-U.S. authorities for inspections required in those countries.

The Commission understands that the Office of Management and Budget (''OMB'') has determined the 2016 budget of the PCAOB to be sequestrable under the Budget Control Act of 2011.[5] Consequently, we expect the PCAOB will have approximately $1 million in excess funds available from the 2015 sequestration for spending in 2016. Accordingly, the PCAOB has reduced its accounting support fee for 2016 by approximately $1 million.

The Commission has determined that the PCAOB's 2016 budget and annual accounting support fee are consistent with Section 109 of the Sarbanes-Oxley Act. Accordingly,

It is ordered, pursuant to Section 109 of the Sarbanes-Oxley Act, that the PCAOB budget and annual accounting support fee for calendar year 2016 are approved.

By the Commission.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06095 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

[5] See ''OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2016'', Appendix page 15 of 15 at: *https://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/2016_jc_sequestration_report_speaker.pdf.*

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77364; File No. SR–MSRB–2016–04]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change Consisting of Proposed Amendments to Rules G–12 and G–15 To Define Regular-Way Settlement for Municipal Securities Transactions as Occurring on a Two-Day Settlement Cycle and Technical Conforming Amendments

March 14, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2016, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change consisting of proposed amendments to Rule G–12, on uniform practice, and Rule G–15, on confirmation, clearance, settlement and other uniform practice requirements with respect to transactions with customers, to define regular-way settlement for municipal securities transactions as occurring on a two-day settlement cycle (''T+2'') and technical conforming amendments (''proposed rule change''). The compliance date of the proposed rule change will be announced by the MSRB in a notice published on the MSRB Web site, which date would correspond with the industry's transition to a T+2 regular-way settlement, which would include amendments by the SEC to Exchange Act Rule 15c6–1(a).

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2016-Filings.aspx,* at the MSRB's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(i).

[2] 17 CFR 240.19b–4.

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 MSRB 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 MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

Following the financial crisis in 2008, regulators implemented additional rules and regulations designed to reduce risk in the markets, achieve greater transparency and improve efficiency in the financial industry. Consistent with those goals, the securities industry launched a voluntary initiative to shorten the settlement cycle for securities transactions to reduce counterparty risk, decrease clearing capital requirements, reduce liquidity demands, and harmonize the settlement cycle globally. The industry-led initiative to shift from the current regular-way settlement cycle defined as a three-day settlement cycle (''T+3'') to a T+2 settlement cycle is being led by the Shortened Settlement Cycle Industry Steering Committee (''ISC'') which is jointly chaired by the Investment Company Institute (''ICI'') and the Securities Industry and Financial Markets Association (''SIFMA'').[3] The ISC announced its proposal in a white paper (the ''white paper''), which outlined the timeline and activities required to move to a T+2 settlement cycle in the U.S. for equities, corporate and municipal bonds, and unit investment trust trades.[4] The ISC's white paper identified all SEC and self-regulatory organization (''SRO'') rule changes that it believed would be necessary to support a T+2 settlement cycle.

The ISC recommended a timeline calling for relevant regulatory

[3] Shortening the Settlement Cycle: The Move to T+2, available at, *http://www.ust2.com/pdfs/ssc.pdf. Other participating industry associations include: The Association of Global Custodians, The Association of Institutional Investors, The Securities Transfer Association, Inc., and The Depository Trust & Clearing Corporation (''DTCC'').*

[4] *Id.*

organizations to confirm support for a reduced settlement cycle by the third quarter of 2015, propose rule changes by the fourth quarter of 2015 and adopt rule changes by the second quarter of 2016, followed by industry implementation of the T+2 settlement cycle occurring by the third quarter of 2017. In a press release announcing the Board's actions at its July 2015 Board meeting, the MSRB publicly communicated its support of the industry's initiative to shorten the settlement cycle to T+2.[5] On November 10, 2015, the MSRB published a Request for Comment on Changes to MSRB Rules to Facilitate Shortening the Securities Settlement Cycle (''Request for Comment'').[6]

On June 18, 2015, concurrent with the white paper, SIFMA and ICI jointly submitted a letter to SEC Chair Mary Jo White to express support for the industry's efforts ''to shorten the settlement cycle for equities, corporate and municipal bonds, unit investment trusts and financial instruments comprised of these products traded on the secondary market.'' [7] The ICI/SIFMA letter identified specific rules that the relevant securities regulators would need to consider amending in order to facilitate the move to T+2. In response to the ICI/SIFMA letter, Chair White stated that she ''strongly support[s] [the] efforts to shorten the settlement cycle from the third business day after the trade date to no later than the second business day'' and is ''committed to considering regulatory changes necessary for this migration to proceed on a timetable that will permit the industry to complete its essential work by no later than the proposed goal of the third quarter of 2017.'' Further, Chair White stated that she has ''requested that the SROs finalize [schedules of rule changes necessary to support a T+2 settlement cycle] by October 31, 2015.'' [8] In light of Chair White's support of the industry initiative and the timeline set forth in the ISC's white paper, the MSRB is filing this proposed rule change.

Proposal

Two MSRB rules were identified in the ICI/SIFMA letter as essential to facilitate the move to T+2, Rule G–12(b)(ii)(B)–(D) and Rule G–15(b)(ii)(B)–(C), because these rules currently define regular-way settlement as occurring on T+3. The MSRB's proposed rule change would amend Rules G–12(b)(ii)(B)–(D) and G–15(b)(ii)(B)–(C) to define regular-way settlement as occurring on T+2.

As generally noted in ISC's white paper, the migration to T+2 settlement is expected to provide significant benefits to the financial industry broadly. The benefits to the industry include the mitigation of counterparty risk, a decrease in margin requirements for National Securities Clearing Corporation's (''NSCC'') clearing members, a reduction in pro-cyclical margin and liquidity demands especially during periods of market volatility, and an increase in global settlement harmonization by aligning the U.S. markets with other major markets, such as the European Union.[9] By shortening the time between trade and execution and settlement by one business day (from T+3 to T+2), the risk of counterparty default and the capital required to mitigate this risk would be reduced. Similarly, the ICI/SIFMA letter noted that ''[a]mong other benefits, the shorter settlement cycle will result in process and procedural improvements that will help mitigate the operational risks that can be present between trade date and settlement date.'' [10] The MSRB believes the likely costs of the proposed rule change, including the changes in processes and technology as well as behavioral modifications by the industry and investors, are justified by the likely benefits associated with transitioning to T+2.

Both the ISC and the ICI/SIFMA letter identified Exchange Act Rule 15c6–1(a) as the primary SEC rule that would need to be amended to facilitate the transition to T+2. Exchange Act Rule 15c6–1 defines regular-way settlement as occurring on T+3 for equities and corporate bonds. Although Exchange Act Rule 15c6–1 does not apply to transactions in municipal securities, the MSRB has previously stated that the regular-way settlement cycle for municipal securities transactions in the secondary markets should be consistent with that for equity and corporate bond transactions.[11] Among other reasons, this ensures that investors will not encounter differing settlement cycles when replacing equity or corporate bonds with municipal securities.

This consistency is currently reflected in MSRB Rules G–12(b)(ii) and G–15(b)(ii), which both define regular-way settlement as occurring on T+3. These rules were last modified in 1995 in coordination with the changes made to Exchange Act Rule 15c6–1 to facilitate shortening the settlement cycle from a five-day settlement cycle (''T+5'') to T+3. In order to maintain consistency across asset classes, the MSRB's proposed rule change is necessary to support the current industry initiative to shift to a T+2 settlement cycle. The MSRB would coordinate implementation of a T+2 regular-way settlement cycle for municipal securities transactions with other securities regulators contingent on the SEC adopting amendments to Exchange Act Rule 15c6–1(a) establishing T+2 as the standard for regular-way settlement cycle for equities and corporate bonds.

Proposed Amendments to MSRB Rules G–12(b)(ii)(B)–(D) and G–15(b)(ii)(B)–(C)

MSRB Rule G–12, on uniform practice, establishes uniform industry practices for processing, clearance and settlement of transactions in municipal securities between a broker, dealer or municipal securities dealer and any other broker, dealer or municipal securities dealer. Rule G–12(b)(ii), on settlement dates, defines ''regular way'' settlement as occurring on a T+3 basis. The proposed rule change would amend Rule G–12(b)(ii)(B)–(D) to define ''regular way'' settlement as occurring on a T+2 basis.

MSRB Rule G–15, on confirmations, clearance, settlement and other uniform practice requirements, requires municipal securities brokers and municipal securities dealers to provide customers with written confirmations of transactions, containing specified information; and prescribes certain uniform practice procedures for dealers that transact municipal securities business with customers. Rule G–15(b)(ii), on settlement dates, defines ''regular way'' settlement as occurring on a T+3 basis. The proposed rule change would amend Rule G–15(b)(ii)(B)–(C) to define ''regular way'' settlement as occurring on a T+2 basis.

[5] *See* Press Release, MSRB Holds Quarterly Meeting, (August, 3 2015), available at, *http://www.msrb.org/News-and-Events/Press-Releases/2015/MSRB-Holds-Quarterly-Meeting-July-2015.aspx.*

[6] MSRB Notice 2015–22, Request for Comment on Changes to MSRB Rules To Facilitate Shortening the Securities Settlement Cycle (November 10, 2015).

[7] *See* Letter from Paul Schott Stevens, President & CEO, ICI (''Stevens''), and Kenneth E. Bentsen, Jr., President and CEO, SIFMA (''Bentsen''), to Mary Jo White, Chair, SEC (June 18, 2015) (''ICI/SIFMA letter'').

[8] *See* Letter from Mary Jo White, Chair, SEC, to Bentsen and Stevens (September 16, 2015).

[9] *See* Equity Settlement Cycle for Top 10 Exchanges by Market Capitalization, Figure 2, page 9 (depicting global settlement harmonization for equities pre- and post-migration to T+2), available at, *http://www.ust2.com/pdfs/ssc.pdf.*

[10] *See supra* n.7.

[11] *See, e.g.,* ''T+3 Settlement, Amendments Filed: Rules G–12 and G–15,'' MSRB Reports, Vol. 14, No. 4 (August 1994) at 3; and ''Report of the Municipal Securities Rulemaking Board on T+3 Settlement for the Municipal Securities Market'' (March 17, 1994).

Technical Amendments

The MSRB is also proposing technical changes to Rules G–12(b)(i)(B), G–15(b)(i)(B) and G–15(g)(ii)(B). Rules G–12(b)(i)(B) and G–15(b)(i)(B) would both be revised by replacing the reference to ''National Association of Securities Dealers, Inc.'' with the ''Financial Industry Regulatory Authority.'' Rule G–15(g)(ii)(B) would likewise be revised to replace the reference to ''NASD Conduct Rule 2260(g),'' which is retired, and replace it with the current relevant rule cite ''FINRA Rule 2251(g).''

Compliance Date

The compliance date of the proposed rule change will be announced by the MSRB in a notice published on the MSRB Web site, which date would correspond with the industry's transition to a T+2 regular-way settlement, which would include amendments by the SEC to Exchange Act Rule 15c6–1(a).

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Exchange Act,[12] which provides that the MSRB's rules shall:

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The MSRB believes that cooperating and coordinating with the various regulators, identified by the ISC, and the industry, shortening the time between trade execution and settlement by one business day will serve to reduce the risk of counterparty default, subsequent mandatory closeouts and, as a result, capital required to mitigate these risks would be reduced. Additionally, the MSRB believes the move to a shortened settlement cycle, as facilitated by the proposed rule change, will improve the overall efficiency of the securities markets, promote financial stability and better align U.S. securities markets with global markets.

[12] 15 U.S.C. 78*o*–4(b)(2)(C).

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Exchange Act [13] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

In determining whether these standards have been met, the MSRB was guided by the Board's Policy on the Use of Economic Analysis in MSRB Rulemaking.[14] In accordance with this policy, the Board has evaluated the potential impacts on competition of the proposed rule change, including in comparison to reasonable alternative regulatory approaches, relative to the baseline. The MSRB also considered other economic impacts of the proposed rule change and has addressed any comments relevant to these impacts in other sections of this document.

Based on the DTCC's Cost Benefit Analysis of Shortening the Settlement Cycle,[15] which is the only quantitative analysis of this subject of which the MSRB is aware, the MSRB believes that the cost of the systems changes that may be required to shift from a T+3 to T+2 settlement cycle may be significant. Firms with relatively smaller revenue bases and/or firms that only participate in the municipal securities market may be disproportionately impacted by changes that require significant investments.

Nonetheless, the MSRB believes that the changes are necessary or appropriate in furtherance of the purposes of the Exchange Act and yield important benefits for a range of market participants including, but not limited to, operational cost savings, reduced counterparty risk, decreasing clearing capital requirements, reduce pro-cyclical margin and liquidity demands and increased global securities settlement harmonization.

Therefore, the MSRB does not believe that the proposed rule change will impose any additional burdens on competition, relative to the baseline, that are not necessary or appropriate in furtherance of the purposes of the Exchange Act.

[13] *Id.*

[14] Policy on the Use of Economic Analysis in MSRB Rulemaking, available at, *http://msrb.org/Rules-and-Interpretations/Economic-Analysis-Policy.aspx.*

[15] Cost Benefit Analysis of Shortening the Settlement Cycle (October 2012), available at, *http://www.dtcc.com/~/media/Files/Downloads/WhitePapers/CBA_BCG_Shortening_the_Settlement_Cycle_October2012.pdf.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The MSRB received nine comment letters [16] in response to the Request for Comment on the draft amendments to Rules G–12 and G–15.[17] Seven of the nine commenters provided comments in support of the transition to T+2, agreeing that the move to a shortened settlement cycle would improve the overall efficiency of the securities markets, promote financial stability and better align U.S. securities markets with global markets.[18] Four of the nine commenters expressed concerns about the impact the shortened settlement cycle would have on investors—particularly senior investors—who, the commenters note, often pay for municipal securities purchases by writing a check and sending it through the mail. Several commenters requested the Board consider the impact the proposal may have on the customer disclosure obligations of brokers, dealers and municipal securities dealers (''dealers'') pursuant to MSRB Rule G–32. Finally, BDA, FSI, ICI and SIFMA encouraged the MSRB to work with other regulators on the T+2 initiative and to file any necessary rule changes by the second quarter of 2016 in order to finalize the necessary amendments and implement the change to T+2 in accordance with ISC's timeline, which called for completing the transition to T+2 by the third quarter of 2017.

The Impact of T+2 on Certain Retail Investors

BDA, Bernardi, Brandis and Coastal each commented that retail municipal securities investors that do not utilize

[16] Comment letters were received in response to the Request for Comment from: Bernardi Securities, Inc., Letter from Eric Bederman, SVP, Chief Operating & Compliance Officer, dated November 17, 2015 (''Bernardi''); Bond Dealers of America, Letter from Michael Nicholas, Chief Executive Officer, dated December 10, 2015 (''BDA''); Brandis Tallman LLC, Letter from Richard Brandis, (''Brandis''); Castle Advisory Company, Email from Garth Schulz, dated November 10, 2015 (''Castle''); Coastal Securities, Email from Chris Melton, Executive Vice President, dated December 10, 2015 (''Coastal''); Financial Services Institute, Letter from David T. Bellaire, Executive Vice President & General Counsel, dated December 10, 2015 (''FSI''); Geraldine Lettieri, Email dated November 10, 2015 (''Lettieri''); Investment Company Institute, Letter from Martin A. Burns, Chief Industry Operations Officer, dated December 1, 2015 (''ICI''); and Securities Industry and Financial Markets Association, Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, dated December 10, 2015 (''SIFMA'').

[17] *See supra* n.6.

[18] The following commenters were supportive of the amendments contained in the Request for Comment: Bernardi, BDA, Castle, FSI, ICI, Lettierie and SIFMA.

payment mechanisms to ensure funds are good/cleared and available for settlement would be negatively impacted by the proposed rule change. Bernardi stated that the move to T+2 would specifically impact ''1. Customer purchases with longer settlements (*i.e.,* 5–10 days) designed to coincide with another bond's redemption. 2. Customers who do not hold cash balances and send payment via the US Postal System. 3. Customer trades which are booked to settle on the same date as the corresponding firm street trade, if not done 'regular way.' '' Brandis stated that many of the investors associated with his firm who invest in municipal securities are over the age of 50, are less tech savvy, and predominantly pay for bond purchases by writing a check and sending payment through the mail. Coastal stated, ''This proposal . . . will all but require retail clients that cannot settle DVP to transact business only with the firm that holds their assets, effectively eliminating any competition for the municipal business of many clients . . . [s]hortening of the settlement cycle should be delayed until retail commercial banking can provide investors with a cost effective manner of immediate fund transfer.'' Similarly, BDA stated that ''many retail clients still rely on sending checks, which may not clear within a two-day window.''

The MSRB recognizes that it may be difficult for certain investors to make the behavioral changes necessary for a successful transition to a T+2 settlement cycle. The MSRB believes that the vast majority of firms have access to technology that would enable their clients to deliver funds in order to settle their municipal securities trades on a T+2 basis and firms should encourage their customers to leverage electronic funds payment to streamline payment processing. Dealers with customers that fund their trade settlement using checks or ACH payments may wish to consider updating their internal control processes and educating customers to ensure that funds are available to settle a transaction on T+2, as proposed.

T+2 and the Implications for Rule G–32

Two commenters, BDA and SIFMA, commented that a shortened settlement cycle bears on other MSRB rules, including Rule G–32, which governs the delivery of official documents to customers in connection with primary offerings. SIFMA stated that ''[c]oncerning the baseline legal requirement of Rule G–32, for dealers delivering paper official statements to customers, the move to T+2 will compress the timeframe dealers have to complete the delivery of offering documents in fulfillment of this disclosure obligation.'' [19] SIFMA suggested the Board consider clarifying previous guidance with respect to the electronic delivery of official statements, but recognized that revisiting the prior guidance was not critical to transitioning to T+2 and should not impede the proposed rule change.[20] BDA also recognized that the proposed rule would automatically shorten the timeframe associated with the requirement to deliver offering documents by no later than the settlement of the transaction. BDA urged the Board to address the amendments to Rules G–12 and G–15, but leave all other requirements under MSRB rules tied to the settlement date, such as Rule G–32, unchanged.

Timing and Implementation of the Proposed Rule Change

BDA, FSI, ICI and SIFMA encouraged the Board to move forward with the T+2 initiative within ISC's proposed timeline, which outlines the activities that would be required to complete the transition to T+2 by the third quarter of 2017. The MSRB stated in the Request for Comment that the draft amendments to facilitate the transition to T+2 settlement cycle will be dependent on the SEC amendments to Exchange Act Rule 15c6–1(a), which would establish T+2 as the standard regular-way settlement cycle for equities and corporate bonds. Although, Exchange Act Rule 15c6–1 does not apply to municipal securities, the MSRB has previously stated that the regular-way settlement cycle of municipal securities transactions should be consistent with that for transactions in the equity and corporate bond markets.[21] ICI and SIFMA both commented that the Board should not consider amendments to Exchange Act Rule 15c6–1(a) to be a ''precondition'' of filing the MSRB's proposed changes to Rules G–12 and G–15 with the SEC. SIFMA noted that the MSRB rule change will afford sufficient time, prior to the move to T+2, to implement any system and process changes and fully test those internally and with other industry participants. The MSRB agrees that the adoption of amendments to Exchange Act Rule 15c6–1(a) should not be a precondition to the Board filing proposed amendments to applicable MSRB rules. However, the MSRB will announce the compliance date of amended Rules G–12 and G–15 to correspond with applicable amendments to rules of other self-regulatory organizations as well as the SEC's implementation of changes to Exchange Act Rule 15c6–1(a). The MSRB intends to ensure that the settlement cycle for municipal securities remains consistent with the settlement cycle for equities and corporate bonds.

The MSRB believes that shortening the time between trade execution and settlement by one business day will serve to reduce the risk of counterparty default, subsequent mandatory closeouts and, as a result, capital required to mitigate these risks would be reduced. Additionally, the MSRB believes the move to a shortened settlement cycle will improve the overall efficiency of the securities markets, promote financial stability and better align U.S. securities markets with global markets.

The majority of the commenters were supportive of the draft amendments in the Request for Comment, generally in agreement that the move to T+2 would mitigate counterparty risk, provide for more liquidity in the market and increase global harmonization. Commenters recognized that shortening the time between trade execution and settlement by one business day will reduce the risk of counterparty default, subsequent mandatory closeouts and capital required to mitigate these risks would be reduced. Several commenters stated that the move to T+2 would require process, technological and behavioral (business and client) modifications as well as coordination among regulators in order to transition to the T+2 settlement cycle.

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 of up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[19] SIFMA comment letter.

[20] SIFMA requested that the Board consider clarifying definitively that ''access equals delivery'' under Rule G–32(a)(ii) and (iii) applies to all dealers and in order to harmonize Rule G–32 with SEC Rules 172, 173 and 174 of the Securities Act of 1933, revisiting the guidance that a customer's standing request for copies of official statements applies to all municipal transactions with that dealer. The MSRB may consider SIFMA's suggested clarifications in the future.

[21] *See supra* n.11.

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–MSRB–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.

All submissions should refer to File Number SR–MSRB–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 also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2016–04 and should be submitted on or before April 8, 2016.

For the Commission, pursuant to delegated authority.[22]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06091 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77365; File No. SR–CBOE–2016–018]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule To Amend the Fees Schedule

March 14, 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 March 11, 2016, Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fees Schedule.[3]

On March 2, 2015 and March 9, 2015, the Exchange commenced Extended Trading Hours[4] (''ETH'') for VIX and SPX/SPXW options, respectively. The Exchange also established fees for the ETH session as well as adopted a rebate for Lead Market-Markers (''LMMs'').[5]

By way of background, ETH LMMs, like any ETH Market-Maker, must maintain continuous two-sided quotes in 60% of the series with less than nine months to expiration in their appointed products for at least 90% of the time they are quoting during ETH (to be determined on a monthly basis) and satisfy all other Market-Maker obligations set forth in Rule 8.7 during ETH (see CBOE Rule 8.7). Additionally, for SPX and VIX, if an LMM (1) provides continuous electronic quotes in at least the lesser of 99% of the non-adjusted series or 100% of the non-adjusted series minus one call-put pair in an ETH allocated class (excluding intra-day add-on series on the day during which such series are added for trading) during ETH in a given month and (2) ensures an opening of the same percentage of series by 2:05 a.m. for at least 90% of the trading days during ETH in a given month, the LMM will receive a rebate for that month and will receive a pro-rata share of a compensation pool equal to $25,000 times the number of LMMs in that class. For example, if three LMMs are appointed in SPX, a compensation pool will be established each month totaling $75,000. If each LMM meets the heightened continuous quoting standard in SPX during a month, each will

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[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on February 29, 2016 (SR–CBOE–2016–015). On March 11, 2016, the Exchange withdrew that filing and submitted this filing.

[4] The Extended Trading Hours session is from 2:00 a.m. to 8:15 a.m. Chicago time, Monday through Friday.

[5] Pursuant to subparagraph (e)(iii)(A) of Rule 6.1A (Extended Trading Hours), the Exchange may approve one or more Market-Makers to act as LMMs in each class during Extended Trading Hours in accordance with Rule 8.15A for terms of at least one month. On September 22, 2014, the Exchange issued Regulatory Circular RG14–134, which announced that the Exchange had appointed 3 LMMs in SPX options and 3 LMMs in VIX options during ETH. The LMM appointments are effective for a one-year period and began on the launch date for ETH trading of the applicable class. On February 24, 2016, the Exchange issued Regulatory Circular RG16–038, which announced that the Exchange made new LMM appointments for a one-year period beginning after the current one-year period ends.

receive $25,000. If two LMMs meet the heightened continuous quoting standard in SPX during a month, those two LMMs would each receive $37,500 and the third LMM would receive nothing. If only one LMM meets the heightened continuous quoting standard in SPX during a month, that LMM would receive $75,000 and the other two would receive nothing.

The Exchange proposes to reduce the rebate that the LMMs would receive if they meet the heighted quoting standard effective March 2, 2016 for VIX LMMs and March 9, 2016 for SPX LMMs (which dates correspond to the beginning of the new appointment term for LMMs). Specifically, the Exchange proposes to provide that if an LMM meets the heightened quoting standard in a month, the LMM will receive a pro-rata share of a compensation pool equal to $15,000 times the number of LMMs in that class.[6] Accordingly, under the proposed new rebate amount, if three LMMs are appointed in SPX, a compensation pool will be established each month totaling $45,000. If each LMM meets the heightened continuous quoting standard in SPX during a month, each will receive $15,000. If two LMMs meet the heightened continuous quoting standard in SPX during a month, those two LMMs would each receive $22,500 and the third LMM would receive nothing. If only one LMM meets the heightened continuous quoting standard in SPX during a month, that LMM would receive $45,000 and the other two would receive nothing. The Exchange proposes to replace the current example in Footnote 38 with the example described above. The Exchange notes that although it is reducing the rebate, it still believes the amount provided will incent appointed LMMs to increase liquidity during ETH.

Additionally, the Exchange proposes, if an appointment begins after the first [sic] day of the month or ends prior to the last [sic] day of the month, the amount of the rebate will be prorated for that month.[7] For example, the appointments for the original LMMs in SPX ended on March 8, 2016, and the new appointments began on March 9, 2016. If the three previous LMMs each satisfied the heightened continuous quoting standard through March 8, they will each receive a pro-rata share of a $75,000 compensation pool, which pool will be prorated based on the number of trading days through March 8. Similarly, if the three new LMMs (whose appointments began on March 9) each satisfy the heightened continuous quoting standard during the period of March 9 through March 31, they will each receive a pro-rata share of a $45,000 compensation pool, which pool will be prorated based on the remaining trading days in March.

The proposed rule change also makes nonsubstantive changes to delete two apostrophes inadvertently included in this fee provision.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[10] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to offer LMMs that meet a certain heightened quoting standard (described above) a pro-rata share of a compensation pool equal to $15,000 times the number of LMMs in that class given the potential added costs that an LMM may undertake in order to satisfy that heightened quoting standard. Additionally, the Exchange believes that the proposed amount is reasonable, because although it is less than previously offered, appointed LMMs that meet the heightened quoting standard still receive a rebate for doing so. The Exchange also notes that if an LMM does not satisfy the heightened quoting standard, then it will not receive the proposed rebate. The Exchange believes it is equitable and not unfairly discriminatory to only offer the rebate to LMMs because it benefits all market participants in ETH to encourage LMMs to satisfy the heightened quoting standards, which may increase liquidity during those hours and provide more trading opportunities and tighter spreads. The Exchange believes it is reasonable for the previous rebate amount to have remained in place through the end of the appointment term for the previous LMMs so that the same rebate amount applied through the entire term for those LMMs. Additionally, the Exchange believes it is reasonable to prorate the amount of the compensation pool if an LMM appointment only covered part of a month so that the amount of any rebate made to LMMs corresponds to the number of trading days on which it was quoting during that month.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while the LMM rebate is offered only to certain market participants (*i.e.,* LMMs that meet a heightened quoting standard), those market participants must meet heightened quoting standards and the rebate encourages those market participants to bring liquidity to the Exchange during ETH (which benefits all market participants).

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because SPX/SPXW and VIX, are proprietary products that will only be traded on CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market

[6] The compensation pool equal to $25,000 times the number of LMMs in a class remained in effect through March 1, 2016 for VIX and March 8, 2016 for SPX, which dates correspond to the end of the current appointment term. In other words, the three previous LMMs were eligible to receive a share of a $75,000 compensation pool, prorated through the end of their appointment, and the three new LMMs are eligible to receive a share of a $45,000 compensation pool (which will be prorated for the month of March 2016).

[7] If an appointment begins after the first trading day of the month, the compensation pool will be prorated based on the remaining trading days in the calendar month. If an appointment ends prior to the last trading day of the month, the compensation pool will be prorated based on the number of trading days in the calendar month the appointment was in effect.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(4).

participants at other exchanges, such market participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Other

The Exchange neither solicited nor received comments on the proposed rule change.

II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2016–018 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–CBOE–2016–018. 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–CBOE–2016–018, and should be submitted on or before April 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06092 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77357; File No. SR–NYSEARCA–2016–41]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Deadline for Implementing Rule 6.61(a)(2) and (3)

March 14, 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 March 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 extend the deadline for implementing Rule 6.61(a)(2) and (3) until July 31, 2016. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to extend the deadline for implementing Rule 6.61(a)(2) and (3) until July 31, 2016. The current implementation deadline is March 4, 2016.

In March 2015, the Commission approved Rule 6.61, which provides a price protection risk mechanism for Market Maker quotes.[4] Rule 6.61 provides two layers of price protection to incoming Market Maker quotes, rejecting those Market Maker quotes that exceed certain parameters, as a risk mitigation tool.[5] The Exchange has

[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 No. 74441 (March 4, 2015), 80 FR 12664 (March 10, 2015) (SR–NYSEArca–2014–150) (Approval Order); *see also* Securities Exchange Act Release No. 74018 (January 8, 2015), 80 FR 1982 (January 14, 2015) (SR–NYSEArca–2014–150) (Notice).

[5] The first layer of price protection assesses incoming sell quotes against the NBB and incoming buy quotes against the NBO (the ''NBBO Price Reasonability Check''). Specifically, per Rule 6.61(a)(1), provided that an NBBO is available, a Market Maker quote would be rejected if it is priced a specified dollar amount or percentage through the contra-side NBBO. The second layer of price protection assesses the price of call or put bids against a specified benchmark (the ''Underlying Stock Price/Strike Price Check''), per Rule 6.61(a)(2) and (3). This second layer of protection applies to bids in call options or put options when (1) there is no NBBO available, for example, during pre-

implemented the first layer of price protection (the NBBO Reasonability Check) and has until one year from the date of the Approval Order to implement the second layer of protection (the Underlying Stock Price/Strike Price Check) pursuant to Commentary .01 to Rule 6.61, which is March 4, 2016 (the ''March 4th Deadline'').[6]

Because the Exchange has not yet implemented the Underlying Stock Price/Strike Price Check, the Exchange proposes to modify Commentary .01 to Rule 6.61 to extend the March 4th Deadline to implement Rule 6.61(a)(2) and (3) until July 31, 2016. The Exchange has finalized the technology related to this aspect of the Rule and will be filing with the Commission a separate proposed rule change to modify the Rule as it relates to the Underlying Stock Price/Strike Price Check. The Exchange believes the proposed extension would provide the Exchange with sufficient time to review the proposed modifications with the Commission prior to implementing the rule, as modified.

Finally, the Exchange believes that because the Underlying Stock Price/Strike Price Check is an approved rule of the Exchange, providing the Exchange with additional time to implement the Rule would ensure that Market Makers and investors are afforded the opportunity to benefit from this price protection feature once it is implemented.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

Specifically, the Exchange believes the proposal promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of, a free and open market and a national market system because an extension of the March 4th Deadline would enable the Exchange to implement the finalized technology related to the Underlying Stock Price/Strike Price Check. Moreover, the proposed extension would assist with the maintenance of a fair and orderly market and protect investors and the public interest because it would afford the Exchange additional time to file, and review, with the Commission a proposed modification of the Rule as it relates to the Underlying Stock Price/Strike Price Check prior to implementing the rule, as modified.

Finally, the Exchange believes that because the Underlying Stock Price/Strike Price Check is an approved rule of the Exchange, providing the Exchange with additional time to implement the Rule would ensure that Market Makers and investors are afforded the opportunity to benefit from this price protection feature once it is implemented—even if in modified form.

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 rule change is not designed to address any competitive issues, but rather, to extend the deadline for implementing the Underlying Stock Price/Strike Price Check pending finalization of the technology associated with that feature.

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 if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may 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 Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to immediately extend the implementation deadline for the Underlying Stock Price/Strike Price Check without delay and provide the Exchange additional time to implement the technology associated with such price protection. Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as 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 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–2016–41 on the subject line.

opening or prior to conducting a re-opening after a trading halt, or (2) if the NBBO is so wide as to not reflect an appropriate price for the respective options series.

[6] *See* Securities Exchange Act Release No. 75156 (June 11, 2015), 80 FR 34756 (June 17, 2015) (SR–NYSEArca–2015–45).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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. The Commission has waived this requirement in this case.

[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).

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–NYSEARCA–2016–41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2016–41, and should be submitted on or before April 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06097 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77361; File No. SR–ICC–2016–002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Provide for the Clearance of Certain Asia-Pacific Credit Default Swap Contracts

March 14, 2016.

I. Introduction

On January 27, 2016, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2016–002) to provide the basis for ICC to clear certain Asia-Pacific credit default swap (''CDS'') contracts. On January 29, 2016, ICC filed Amendment No. 1 to the proposal.[3] The proposed rule change, as amended, was published for comment in the **Federal Register** on February 12, 2016.[4] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The purpose of the proposed rule change is to adopt new rules that will provide the basis for ICC to clear certain Asia-Pacific CDS contracts. Specifically, ICC has proposed to amend Chapter 26 of the ICC Rulebook (''ICC Rules'') to add Subchapters 26J and 26L to provide for the clearance of iTraxx Asia/Pacific CDS contracts (''iTraxx Asia/Pacific Contracts'') and Standard Asia/Pacific Sovereign CDS contracts (''SAS Contracts'', collectively with iTraxx Asia/Pacific Contracts ''Asia-Pacific CDS Contracts''). The SAS Contracts will reference the Commonwealth of Australia, the Malaysian Federation, the People's Republic of China, the Republic of Indonesia, the Republic of Korea and the Republic of the Philippines.

Additionally, ICC has proposed to amend the ICC End-of-Day Price Discovery Policies and Procedures to add two additional pricing windows to accommodate the submission of end-of-day prices relating to such Asia-Pacific CDS Contracts. Finally, ICC has proposed to amend the ICC Risk Management Framework to include the risk horizon utilized for instruments traded during Asia-Pacific hours and to amend the ICC Risk Management Model Description document to add Asia-Pacific to the list of regions to be considered in General Wrong Way Risk calculations.

ICC has represented that the iTraxx Asia/Pacific Contracts have similar terms to the CDX North American IG/HY/XO CDS contracts (''CDX NA Contracts'') currently cleared by ICC and governed by Subchapter 26A of the ICC Rules, the CDX Emerging Markets CDS contracts (''CDX EM Contracts'') currently cleared by ICC and governed by Subchapter 26C of the ICC Rules, and the iTraxx Europe CDS contracts (''iTraxx Europe Contracts'') currently cleared by ICC and governed by Subchapter 26F of the ICC Rules. ICC asserts that the proposed rules found in Subchapter 26J largely mirror the ICC Rules for CDX NA Contracts in Subchapter 26A, CDX EM Contracts in Subchapter 26C, and iTraxx Europe Contracts in Subchapter 26F, with certain modifications that reflect differences in terms and market conventions between those contracts and iTraxx Asia/Pacific Contracts. Additionally, iTraxx Asia/Pacific Contracts will be denominated in United States Dollars.

ICC Rule 26J–102 (Definitions) will set forth the definitions used for the iTraxx Asia/Pacific Contracts. ICC has represented that the definitions are substantially the same as the definitions found in Subchapters 26A, 26C, and 26F of the ICC Rules, other than certain conforming changes.

ICC Rules 26J–309 (Acceptance of iTraxx Asia/Pacific Untranched Contracts by ICE Clear Credit), 26J–315 (Terms of the Cleared iTraxx Asia/Pacific Untranched Contract), 26J–316 (Updating Index Version of Fungible Contracts After a Credit Event or a Succession Event; Updating Relevant Untranched Standard Terms Supplement), and 26J–317 (Terms of iTraxx Asia/Pacific Untranched Contracts) will reflect or incorporate the basic contract specifications for iTraxx Asia/Pacific Contracts and, according to ICC, are substantially the same as under Subchapters 26A, 26C, and 26F of the ICC Rules.

ICC has represented that SAS Contracts have similar terms to the Standard North American Corporate

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, ICC deleted a factual error in the originally filed proposal that stated that no changes would be made to ICC's Risk Management Framework. Amendment No. 1 amended and replaced the original filing in its entirety.

[4] Securities Exchange Act Release No. 34–77079 (February 8, 2016), 81 FR 7613 (February 12, 2016) (SR–ICC–2016–002).

Single Name CDS contracts (''SNAC Contracts'') currently cleared by ICC and governed by Subchapter 26B of the ICC Rules, the Standard Emerging Sovereign CDS contracts (''SES Contracts'') currently cleared by ICC and governed by Subchapter 26D of the ICC Rules, the Standard European Corporate Single Name CDS contracts (''STEC Contracts'') currently cleared at ICC and governed by Subchapter 26G of the ICC Rules, the Standard European Financial Corporate Single Name CDS Contracts (''STEFC Contracts'') currently cleared at ICC and governed by Subchapter 26H of the ICC Rules, and the Standard Western European Corporate Single Name CDS contracts (''SWES Contracts'') currently cleared by ICC and governed by Subchapter 26I of the ICC Rules. ICC asserts that the proposed rules found in Subchapter 26L largely mirror the ICC Rules for SNAC Contracts in Subchapter 26B, SES Contracts in Subchapter 26D, STEC Contracts in Subchapter 26G, STEFC Contracts in Subchapter 26H, and SWES Contracts in Subchapter 26I, with certain modifications that reflect differences in terms and market conventions between those contracts and SAS Contracts. Additionally, SAS Contracts will be denominated in United States Dollars.

ICC Rule 26L–102 (Definitions) will set forth the definitions used for the SAS Contracts. ''Eligible SAS Reference Entities'' will be defined as ''each particular Reference Entity included in the List of Eligible SAS Reference Entities,'' which is a list maintained, updated and published from time to time by ICC containing certain specified information with respect to each reference entity. ICC is proposing to add the Commonwealth of Australia, the Malaysian Federation, the People's Republic of China, the Republic of Indonesia, the Republic of Korea and the Republic of the Philippines to its List of Eligible SAS Reference Entities. If ICC determines to add or remove additional SAS Contracts from the List of Eligible SAS Reference Entities, it has represented that it will seek approval from the Commission for such contracts (or for a class of product including such contracts) by a subsequent filing. ICC asserts that the remaining definitions are substantially the same as the definitions found in Subchapters 26B, 26D, 26G, 26H, and 26I of the ICC Rules, other than certain conforming changes.

ICC Rules 26L–203 (Restriction on Activity), 26L–206 (Notices Required of Participants with respect to SAS Contracts), 26L–303 (SAS Contract Adjustments), 26L–309 (Acceptance of SAS Contracts by ICE Clear Credit), 26L–315 (Terms of the Cleared SAS Contract), 26L–316 (Relevant Physical Settlement Matrix Updates), 26L–502 (Specified Actions), and 26L–616 (Contract Modification) will reflect or incorporate the basic contract specifications for SAS Contracts and, according to ICC, are substantially the same as under Subchapters 26B, 26D, 26G, 26H, and 26I of the ICC Rules.

Additionally, ICC has proposed to amend the ICC End-of-Day Price Discovery Policies and Procedures to add two additional pricing windows to accommodate the submission of end-of-day prices relating to such Asia-Pacific CDS Contracts. Specifically, ICC has proposed adding one pricing window at the end of the Sydney trading day to determine prices for instruments primarily traded in Sydney hours and one pricing window at the end of the Singapore trading day to determine prices for instruments primarily traded in Singapore/Hong Kong hours. ICC has represented that it will apply the same price discovery methodology to all submission windows. ICC asserts that for easier comprehension, it also consolidated information regarding the timing of all pricing windows into a table in an appendix to the policy. Accordingly, ICC has proposed replacing references throughout the document to specific pricing window times with a reference to this table. ICC has also proposed removing a reference to end-of-day risk requirements, as ICC asserts that such information is more appropriately included in the Risk Management Framework.

Finally, ICC has proposed amending the ICC Risk Management Framework to include the risk horizon utilized for instruments traded during Asia-Pacific hours and to amend the ICC Risk Management Model Description document to add Asia-Pacific to the list of regions to be considered in General Wrong Way Risk calculations.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [5] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act [6] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the proposed rule change is consistent with the requirements of Section 17A of the Act [7] and the rules and regulations thereunder applicable to ICC. The proposed rule change will provide for the clearing of iTraxx Asia/Pacific Contracts and SAS Contracts referencing the Commonwealth of Australia, the Malaysian Federation, the People's Republic of China, the Republic of Indonesia, the Republic of Korea and the Republic of the Philippines. The iTraxx Asia/Pacific Contracts and SAS Contracts will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections and risk management procedures, as modified by the proposed rule change. The Commission therefore finds that the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [8] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–ICC–2016–002) be, and hereby is, approved.[10]

[5] 15 U.S.C. 78s(b)(2)(C).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(2).

[10] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06089 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77359; File No. SR–NYSEArca–2016–39]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule

March 14, 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 March 8, 2016, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule'') to remove reference and information relating to Mini Options. The Exchange proposes to implement the fee change effective March 8, 2016. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to remove reference and information relating to Mini Options, as the Exchange no longer lists or trades Mini Options and has no current plans to do so.

The Exchange added rules relating to the listing of Mini Options (options overlying 10 shares of stock) in 2012[4] and later changed its Fee Schedule to address the treatment of Mini Options, including establishing transactions fees for these products.[5] However, the Exchange no longer lists or trades Mini Option series, and has no current plans to do so.

Thus, the Exchange proposes to strip references, and charges related to, Mini Options from the Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[7] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed change is reasonable, equitable, and not unfairly discriminatory, as the Exchange no longer lists or trades Mini-option series and has no intention to do so at this time. Thus, removing outmoded references on the Fee Schedule would alleviate potential investor confusion and improve the clarity and transparency of the Fee Schedule. The proposed change is also reasonable, equitable and not unfairly discriminatory as it applies to all market participants.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] 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. As noted above, the proposed change is non-competitive and is designed to provide additional clarity and greater transparency regarding the Exchange's fees.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[9] of the Act and subparagraph (f)(2) of Rule 19b–4[10] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File

[11] 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 No. 67948 (September 28, 2012), 77 FR 60735 (October 4, 2012) (SR–NYSEArca–2012–64; SR–ISE–2012–58).

[5] *See* Securities Exchange Act Release No. 69246 (March 27, 2013), 78 FR 19784 (April 2, 2013) (SR–NYSEArca–2013–25).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

[11] 15 U.S.C. 78s(b)(2)(B).

Number SR–NYSEArca–2016–39 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–NYSEArca–2016–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–39 and should be submitted on or before April 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06088 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77356; File No. SR–NYSEMKT–2016–36]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Deadline for Implementing Rule 967.1NY(a)(2) and (3)

March 14, 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 March 4, 2016, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 extend the deadline for implementing Rule 967.1NY(a)(2) and (3) until July 31, 2016. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to extend the deadline for implementing Rule 967.1NY(a)(2) and (3) until July 31, 2016. The current implementation deadline is March 4, 2016.

In March 2015, the Commission approved Rule 967.1NY, which provides a price protection risk mechanism for Market Maker quotes.[4] Rule 967.1NY provides two layers of price protection to incoming Market Maker quotes, rejecting those Market Maker quotes that exceed certain parameters, as a risk mitigation tool.[5] The Exchange has implemented the first layer of price protection (the NBBO Reasonability Check) and has until one year from the date of the Approval Order to implement the second layer of protection (the Underlying Stock Price/Strike Price Check) pursuant to Commentary .01 to Rule 967.1NY, which is March 4, 2016 (the ''March 4th Deadline'').[6]

Because the Exchange has not yet implemented the Underlying Stock Price/Strike Price Check, the Exchange proposes to modify Commentary .01 to Rule 967.1NY to extend the March 4th Deadline to implement Rule 967.1NY(a)(2) and (3) until July 31, 2016. The Exchange has finalized the technology related to this aspect of the Rule and will be filing with the Commission a separate proposed rule change to modify the Rule as it relates to the Underlying Stock Price/Strike Price Check. The Exchange believes the proposed extension would provide the Exchange with sufficient time to review the proposed modifications with the Commission prior to implementing the rule, as modified.

Finally, the Exchange believes that because the Underlying Stock Price/Strike Price Check is an approved rule of the Exchange, providing the Exchange with additional time to implement the Rule would ensure that

[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 No. 74440 (March 4, 2015), 80 FR 12687 (March 10, 2015) (SR–NYSEMKT–2014–116) (Approval Order); *see also* Securities Exchange Act Release No. 74017 (January 8, 2015), 80 FR 1979 (January 14, 2015) (SR–NYSEMKT–2014–116) (Notice).

[5] The first layer of price protection assesses incoming sell quotes against the NBB and incoming buy quotes against the NBO (the ''NBBO Price Reasonability Check''). Specifically, per Rule 967.1NY(a)(1), provided that an NBBO is available, a Market Maker quote would be rejected if it is priced a specified dollar amount or percentage through the contra-side NBBO. The second layer of price protection assesses the price of call or put bids against a specified benchmark (the ''Underlying Stock Price/Strike Price Check''), per Rule 967.1NY(a)(2) and (3). This second layer of protection applies to bids in call options or put options when (1) there is no NBBO available, for example, during pre-opening or prior to conducting a re-opening after a trading halt, or (2) if the NBBO is so wide as to not reflect an appropriate price for the respective options series.

[6] *See* Securities Exchange Act Release No. 75151 (June 11, 2015), 80 FR 34770 (June 17, 2015) (SR–NYSEMKT–2015–42).

Market Makers and investors are afforded the opportunity to benefit from this price protection feature once it is implemented.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

Specifically, the Exchange believes the proposal promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of, a free and open market and a national market system because an extension of the March 4th Deadline would enable the Exchange to implement the finalized technology related to the Underlying Stock Price/Strike Price Check. Moreover, the proposed extension would assist with the maintenance of a fair and orderly market and protect investors and the public interest because it would afford the Exchange additional time to file, and review, with the Commission a proposed modification of the Rule as it relates to the Underlying Stock Price/Strike Price Check prior to implementing the rule, as modified.

Finally, the Exchange believes that because the Underlying Stock Price/Strike Price Check is an approved rule of the Exchange, providing the Exchange with additional time to implement the Rule would ensure that Market Makers and investors are afforded the opportunity to benefit from this price protection feature once it is implemented—even if in modified form.

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 rule change is not designed to address any competitive issues, but rather, to extend the deadline for implementing the Underlying Stock Price/Strike Price Check pending finalization of the technology associated with that feature.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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 if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) [11] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may 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 Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to immediately extend the implementation deadline for the Underlying Stock Price/Strike Price Check without delay and provide the Exchange additional time to implement the technology associated with such price protection. Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[13]

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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. The Commission has waived this requirement in this case.

[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).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2016–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2016–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal

identifying information from submissions.

You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2016–36, and should be submitted on or before April 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06096 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77366; File No. SR–MSRB–2016–05]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Revise an Effective Date of Several Previously-Approved Amendments to Rule G–14, on Transaction Reporting

March 14, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 2, 2016, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change to revise the May 23, 2016, effective date of several previously-approved amendments to Rule G–14, on transaction reporting (''proposed rule change'').[3] The MSRB has designated the proposed rule change for immediate effectiveness. The new effective date of the amendments to Rule G–14 will be July 18, 2016.

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2016-Filings.aspx*, at the MSRB's principal office, 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 MSRB 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 MSRB 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 MSRB proposes to revise the effective date of amendments to Rule G–14. On May 22, 2015, the Commission approved the amendments with a year-long implementation period and an effective date of May 23, 2016.[4] Rule G–14 requires dealers to report all executed transactions in most municipal securities to the MSRB's Real-Time Transaction Reporting System (''RTRS'') within 15 minutes of the time of trade, with limited exceptions. RTRS serves the dual objectives of price transparency and market surveillance. Because a comprehensive database of transactions is needed for the surveillance function of RTRS, Rule G–14, with limited exceptions, requires dealers to report all of their purchase-sale transactions to RTRS, not only those that qualify for public dissemination to serve the transparency function of the system. The MSRB makes transaction data available to the general public through the Electronic Municipal Market Access (EMMA®) Web site at no cost, and disseminates such data through paid subscription services to market data vendors, institutional market participants and others that subscribe to the data feed.

The amendments to Rule G–14 enhance the post-trade price transparency information provided through RTRS by:

- Expanding the application of the existing list offering price and takedown indicator to cases involving distribution participant dealers and takedown transactions that are not at a discount from the list offering price;
- eliminating the requirement for dealers to report yield on customer trade reports and, instead, enabling the MSRB to calculate and disseminate yield on customer trades;
- establishing a new indicator for customer trades involving non-transaction-based compensation arrangements; and
- establishing a new indicator for alternative trading system (''ATS'') transactions.

The Financial Industry Regulatory Authority (''FINRA'') obtained Commission approval to make similar changes to the post-trade reporting requirements for its members with respect to securities eligible for FINRA's Trade Reporting and Compliance Engine (''TRACE'').[5] These similar FINRA requirements were also set to take effect on May 23, 2016, which FINRA believed (at the time it proposed its rule change) would be sufficient lead-time for its members to facilitate planning and scheduling of necessary technological changes, but it recently extended the effective date to be July 18, 2016. FINRA provided the extension to provide members additional time to complete systems changes necessary to comply with the reporting requirements.[6]

In setting an effective date of May 23, 2016, one year from the date of Commission approval of the amendments to Rule G–14, the MSRB intended to provide sufficient time for brokers, dealers and municipal securities dealers (collectively, ''dealers''), and subscribers, to undertake programming changes related to the amendments, as well as to provide an adequate testing period for dealers and subscribers that interface with RTRS. While the MSRB believes that one year was a sufficient amount of time for dealers and subscribers to make the programming changes necessary to comply with the amendments to Rule G–14, it believes that harmonization with the implementation of similar FINRA reporting requirements will

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 75039 (May 22, 2015), 80 FR 31084 (June 1, 2015) (SR–MSRB–2015–02).

[4] *Id.*

[5] *See* FINRA Rules 6730 and 6732; Exchange Act Release No. 76176 (Oct. 16, 2015), 80 FR 64039 (Oct. 22, 2015) (SR–FINRA–2015–026) (requiring the reporting of an indicator when a TRACE report does not reflect a commission or mark-up/mark-down); Exchange Act Release No. 76677 (Dec. 17, 2015), 80 FR 79966 (Dec. 23, 2015) (SR–FINRA–2015–055) (providing FINRA with authority to grant exemptions from TRACE reporting requirements for certain ATS transactions, and requiring the reporting of the identity of the ATS on which an exempted trade occurs). *See also https://www.finra.org/industry/trace/trace-reporting-and-dissemination-no-remuneration-trades-and-ats.*

[6] *See* Exchange Act Release No. 77015 (Feb. 2, 2016), 81 FR 6555 (Feb. 8, 2016) (SR–FINRA–2016–003).

promote regulatory efficiency and reduce the burden on dealers and subscribers that are making programming changes related to both MSRB and FINRA rule changes. Accordingly, the MSRB submits this proposed rule change to revise the effective date of the amendments to be July 18, 2016.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act,[7] which provides that the MSRB's rules shall:

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The proposed rule change does not alter any rule language but revises the effective date of the amendments to Rule G–14, which were previously approved by the Commission. By aligning the effective date of the amendments with the effective date of similar FINRA post-trade reporting requirements, the MSRB believes the proposed rule change will promote compliance with the amendments and promote just and equitable principles of trade, facilitate transactions in municipal securities, remove impediments to and perfect the mechanism of a free and open market in municipal securities and protect investors. In addition, the MSRB believes the proposed rule change will create potential regulatory efficiencies by allowing dealers that choose to do so to implement programming changes and perform testing for both MSRB and FINRA requirements simultaneously.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Act[8] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The MSRB does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not alter any rule language and will, instead, only revise the effective date of the amendments to Rule G–14 to be July 18, 2016.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (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] [11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MSRB–2016–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2016–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2016–05 and should be submitted on or before April 8, 2016.

For the Commission, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06093 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78*o*–4(b)(2)(C).

[8] *Id.*

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change, along with a brief description and text of such proposed rule change, at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The MSRB fulfilled this obligation.

[12] 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 17Ad–17, SEC File No. 270–412, OMB Control No. 3235–0469.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments

on the existing collection of information provided for in Rule 17Ad–17, (17 CFR 240.17Ad–17), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ad–17 requires transfer agents and broker-dealers to make two searches for the correct address of lost securityholders using an information database without charge to the lost securityholders. In addition, paying agents are required to attempt to notify lost payees at least once. The Commission staff estimates that the rule applies to approximately 301 broker dealers and 2,766 paying agent entities, including carrying firms, transfer agents, indenture trustees, custodians, and approximately 10% of issuers. The Commission staff estimates that the total burden is 91,424 hours, representing the hours associated with searches, notifications, and recordkeeping.

The retention period for the recordkeeping requirement under Rule 17Ad–17 is not less than three years. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring compliance with the rule. This rule does not involve the collection of confidential information.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 14, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06094 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77358; File No. SR–OCC–2016–004]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Related to the Adoption of an Options Exchange Risk Control Standards Policy

March 14, 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 March 4, 2016, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by OCC would adopt a new Options Exchange Risk Control Standards Policy (''Policy''), which details OCC's policy for addressing the potential risks arising from erroneous trades executed on an options exchange (''Options Exchange'' or ''Options Exchanges,'' as applicable) [3] that has not demonstrated the existence of certain risk controls (''Risk Controls'') that are consistent with a set of principles-based risk control standards (''Risk Control Standards'') developed by OCC in consultation with the exchanges. The proposed rule change would also revise OCC's Schedule of Fees in accordance with the proposed Policy to charge and collect from Clearing Members [4] a fee of two cents per each cleared options contract (per side) (''Fee'') executed on an Options Exchange that did not demonstrate sufficient Risk Controls designed to meet the proposed Risk Control Standards. The text of the proposed Policy and related changes to the OCC Schedule of Fees is attached as Exhibit 5. Material proposed to be added is marked by underlining and material proposed to be deleted is enclosed in bold brackets.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Background

OCC proposes to adopt a new Options Exchange Risk Control Standards Policy, which is designed to better protect OCC against risks related to erroneous transactions that may occur on Options Exchanges that have not implemented Risk Controls that are consistent with a defined set of principles-based Risk Control Standards, which were developed by OCC in consultation with the exchanges, and that are sent to OCC for a guarantee. The proposed Policy would, among other things, impose an additional Fee on cleared trades that are executed on an Options Exchange that has not certified the existence of Risk Controls that meet the Risk Control Standards in the following categories: (i) ''Price Reasonability Checks;'' (ii) ''Drill-Through Protections;'' (iii) ''Activity-Based Protections;'' and (iv) ''Kill-Switch Protections'' (in each case discussed more thoroughly below) along with OCC's review to determine if the Risk Controls are consistent with the Risk Control Standards. The Policy would also require that any funds collected from the Fee be retained as earnings and, as such, be eligible for use for Clearing Member defaults under Article VIII, Section 5(d) of OCC's By-Laws but prohibit such funds from being used for any other purpose.

OCC believes that the implementation of Risk Controls that are consistent with

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Current Options Exchanges are: (i) BATS Options Market, (ii) Box Options Exchange LLC, (iii) C2 Options Exchange, Inc., (iv) Chicago Board Options Exchange, Inc., (v) EDGX Options Exchange, (vi) International Securities Exchange, LLC, (vii) ISE Gemini LLC, (viii) ISE Mercury, LLC, (ix) MIAX Options Exchange, (x) NASDAQ OMX BX, Inc., (xi) NASDAQ OMX PHLX, LLC, (xii) NASDAQ Options Market, (xiii) NYSE Amex Options, and (xiv) NYSE Arca Options.

[4] *See* Article I, Section 1 of OCC's By-Laws.

the proposed principles-based Risk Control Standards at Options Exchanges would guard against risks attendant to erroneous transactions on such Options Exchanges and serve OCC, its Clearing Members, and the financial markets OCC serves by helping to ensure the potential significant financial impact and elevated risk of disruption resulting from erroneous transactions is limited to the greatest extent possible. As a systemically important financial market utility and the sole clearing agency for the US listed options markets, OCC seeks to control risks presented to it that might have the effect of disrupting routine processes at OCC, and thus threatening the stability of the financial system of the United States. As described in more detail below, there have been numerous cases in the recent past where erroneous transactions have occurred that could have caused substantial damage to financial market entities and resultant damage to OCC. The options market is not immune to the harmful effects of erroneous transactions, and in fact OCC is more susceptible than other financial market entities to the risks attendant thereto by virtue of: (i) Its role as a guarantor of all options transactions that are novated, and (ii) its lack of discretion to elect not to clear transactions executed on Options Exchanges. OCC believes that Options Exchanges that apply the Risk Control Standards to all transactions executed on such Options Exchanges are better equipped to capture and eradicate erroneous and potentially disruptive transactions at the Options Exchange level, thereby reducing the likelihood that the risk inherent in such erroneous and potentially disruptive trades is transferred to OCC, its other Clearing Members, and the financial markets served by OCC. Furthermore, and as discussed in more detail below, OCC believes this proposal is complementary to efforts undertaken by the Commission to strengthen critical market infrastructure and improve its resilience, consistent with current Commission requirements [5] and international guidance,[6] and in furtherance of remarks made by Chair White after the latest in a series of prominent market disruptions to encourage self-regulatory organizations to consider such complementary efforts.[7]

Proposed Options Exchange Risk Control Standards Policy

Under the proposed Policy, if an Options Exchange does not submit a signed certification sufficiently demonstrating that it has certain Risk Controls in place that are consistent with the proposed Risk Control Standards, OCC will charge and collect a fee [8] in accordance with its Schedule of Fees for each trade executed on such Options Exchange until such time that the Options Exchange completes the certification process, which is described in more detail below. Funds collected through the imposition of the Fee are segregated for recordkeeping purposes from other funds generated by clearing fees and would not be available for a Clearing Member refund or Stockholder Exchange dividend under OCC's approved Capital Plan. These funds would be available for use by OCC, with unanimous approval by the Stockholder Exchanges, in accordance with Article VIII, Section 5(d) of OCC's By-Laws [9] and as provided for in the Policy.

Risk Control Standards

The proposed Options Exchange Risk Control Standards Policy details each of the Risk Control Standards to which an Options Exchange must attest so that the proposed Fee would not be applied to trades executed on that Options Exchange. The proposed Risk Control Standards, which were developed by OCC in consultation with the Options Exchanges, are principle-based and designed to provide the flexibility for each Options Exchange to develop specific Risk Controls that best suit its own marketplace while still guarding against the types of risks contemplated by the Policy. The proposed Risk Control Standards are described below.

1. Price Reasonability Checks

Mandatory Price Reasonability Checks prevent limit orders,[10] complex orders,[11] and market maker quotes from being entered and displayed on an Options Exchange if the price on such order or quote is outside a defined threshold set in relation to the current market price or National Best Bid or Offer (''NBBO''). For example,[12] an Options Exchange may set a Price Reasonability Check that would reject an order that is priced at a certain percentage above the set parameter or a quote entered by a market maker that is priced a certain dollar amount higher than the set threshold.[13] Options Exchanges' Price Reasonability Checks would include:

(i) Mandatory limit order, complex order and quote Price Reasonability Checks;

(ii) Application to all trading sessions, including market openings; and

(iii) If the checks do not prevent the display and execution of quotes, the Options Exchange would have other means by which it mitigates the risks associated with the display and

[5] *See* Clearing Agency Standards, Securities Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012). More specifically, the Release states,

''The Commission notes however that under Section 17A(b)(3)(F) of the Exchange Act, a clearing agency is charged with responsibility to coordinate with persons engaged in the clearance and settlement of securities transactions, not just other clearing agencies. . . Further, the Commission notes that during the clearance and settlement process, a registered clearing agency is confronted with a variety of risks that must be identified and understood if they are to be effectively controlled. To the extent that these risks arise as a result of a registered clearing agency's links with another entity involved in the clearance and settlement process, Rule 17Ad- 22(d)(7) should help ensure that clearing agencies have policies and procedures designed to identify those risks.''

Id. at 66251.

[6] *See* Principle 20 of the Committee on Payment and Settlement Systems and Technical Committee of the International Organization of Securities Commissions (''*CPSS–IOSCO*''), Principles for Financial Market Infrastructures (April 16, 2012), available at *http://www.bis.org/publ/cpss101a.pdf* (''*PFMI Report*'').

[7] *See* SEC Chair White Statement on Meeting with Leaders of Exchanges, September 12, 2013. (''Today's meeting was very constructive. I stressed the need for all market participants to work collaboratively—together and with the Commission—to strengthen critical market infrastructure and improve its resilience when technology falls short.'') *See also* Chair White, Statement on Nasdaq Trading Interruption, August 22, 2013. (''The continuous and orderly functioning of the securities markets is critically important to the health of our financial system and the confidence of investors. Today's interruption in trading, while resolved before the end of the day, was nonetheless serious and should reinforce our collective commitment to addressing technological vulnerabilities of exchanges and other market participants.'')

[8] OCC is proposing to collect a fee of two cents per each cleared options contract (per side). Any changes to this fee would be subject to a future rule filing with the Commission.

[9] *See* Article VIII, Section 5(d). Under Article VIII, Section 5(d), usage of current or retained earnings may be considered after the defaulting clearing member's margin has been exhausted, and it may be used to reduce in whole or in part the pro rata contribution otherwise made from the Clearing Fund to cover the loss. *Id.*

[10] A limit order is an order placed on an Options Exchange to buy or sell a specific amount of options contracts at a specified price or better. (*See, e.g.,* International Securities Exchange Rule 715(b).)

[11] A complex order is an order involving the execution of two or more different options series in the same underlying security occurring at or near the same time. (*See, e.g.,* Chicago Board Options Exchange Rule 6.53C(a)(1).)

[12] Examples herein are illustrative only, and the specifics of such examples are not necessarily required for an Options Exchange to certify having specific Risk Controls sufficient to meet the Risk Control Standards.

[13] By way of example, assume the market is $1.00 bid at $1.10. An Options Exchange Price Reasonability Check could reject orders greater than 5 cents above the offer or below the bid. Accordingly, if a broker wanted to buy an option for $1.10, but inadvertently ''fat fingers'' the limit price for $11.00 on the order, the Options Exchange would reject the order prior to execution because the limit on the order is greater than the Price Reasonability Check limit.

execution of quotes outside the specific threshold.

Trades executed on an Options Exchange that occur at prices that were input erroneously and are substantially removed from other trades executed in the same product have the potential to result in large trading losses. In 2013, a trading firm's internal algorithm used to satisfy market demand for equity options inadvertently produced orders with inaccurate price limits and sent those orders to Options Exchanges (''2013 Trading Firm Error''). Though many of the erroneous trades were later canceled, it has been estimated that the trading firm could have faced approximately $500 million in losses.[14] If these potential losses were realized and if the OCC Clearing Member clearing and settling those trades was unable to honor them, OCC and its remaining Clearing Members would have been exposed to significant losses and a potential disruption to the operations of OCC.

2. Drill-Through Protections

Drill-Through Protections are closely related to Price Reasonability Checks and would require all orders, including market orders,[15] limit orders, and complex orders, to be executed within pre-determined price increments of the NBBO. Drill-Through Protections also restrict orders from immediately trading up or down an unlimited number of price intervals and allow market liquidity to be refreshed prior to the execution of further trades.[16] Options Exchanges' Drill-Through Protections would include:

(i) Mandatory Drill-Through Protections with reasonably quantifiable limits;

(ii) Application to all orders; and

(iii) Application to all trading sessions, including market openings.

Options orders that are large in size may, due to the available contra orders, be partially executed at reasonable prices with the remainder of the same order executed at prices that are far from the NBBO, and thus have the potential to result in large trading losses. For example, in 2012, a trading firm erroneously sent more than 4 million orders to equity exchanges over a period of forty-five minutes, creating a loss of over $450 million that nearly resulted in the trading firm's insolvency (''2012 Trading Firm Error'' and collectively with the 2013 Trading Firm Error, the ''Trading Firm Errors'').[17] If the trading firm was unable to absorb the loss and honor the trades, the clearing agency and its surviving Clearing Members would have been exposed to significant losses and a potential disruption to their operations. While detailed facts surrounding the incident are not publicly known, Drill-Through Protections could have helped limit the losses by preventing execution of orders that would have traded through a large number of price increments in a short period of time.

3. Activity-Based Protections

Activity-Based Protections extend an Options Exchange's Risk Controls to factors beyond price and are most commonly designed to address risks associated with a high frequency of trades in a short period of time. Activity-Based Protections may address the maximum number of contracts that may be entered as one order, the maximum number of contacts that may be entered or executed by one firm over a certain period of time, and the maximum number of messages that may be entered over a certain period of time. Options Exchanges' Activity-Based Protections would include:

(i) Application to all traded products available on the Options Exchange;

(ii) Mandatory use of available Activity-Based Protections by its members where the use of such protections is consistent with sound risk management practice; and

(iii) Maximum number of contracts or orders that may be executed over a certain period of time.

Options Exchanges that don't have Activity-Based Protections have a greater likelihood of facilitating erroneous trades by not imposing limits based on factors other than price. Trading errors that result in a large number of orders or quotes could magnify the trading losses that result from the error and could cause the default of a Clearing Member if the Clearing Member cannot meet its obligations due to such losses. For example, Activity-Based Protections could have limited the loss associated with the 2013 Trading Firm Error mentioned above.

4. Kill-Switch Protections

Kill-Switch Protections provide Options Exchanges, and their market participants, with the ability to cancel existing orders and quotes and/or block new orders and quotes on an exchange-wide or more tailored basis (*e.g.,* symbol specific, by Clearing Member, etc.) with a single message to the Options Exchange after established trigger events are detected. A trigger event may include a situation where a market participant is disconnected from an Options Exchange due to an abnormally large order or manual errors in the system by a market participant causing multiple erroneous trades to occur. Kill-Switch Protections are considered a last line of defense, applicable where, for example, a severe trading problem occurs or an Options Exchange market participant loses connectivity to the Options Exchange. Options Exchanges' Kill-Switch Protections would include:

(i) The availability, and required use in the case of Options Exchange market makers, of ''heartbeat monitoring,'' a function that periodically sends an electronic signal between the Options Exchange and the market participant that subsequently cancels all quotes and/or orders if the market participant does not respond to the signal in a certain period of time;

(ii) The ability for participants of the Options Exchange to ''cancel-on-disconnect;''

(iii) The ability to cancel all quotes and/or orders with a single message to the Options Exchange, with the availability of backup alternative messaging systems; and

(iv) Restricted automated reentry to trading after the activation of a kill-switch.

Trades executed on Options Exchanges without Kill-Switch Protections increase the risk that trading malfunctions or other harmful events could lead to erroneous trades being executed on an Options Exchange and sent to OCC for clearance and settlement. If the Clearing Member for these trades was not able to absorb losses associated with them, it could potentially expose OCC and its surviving Clearing Members to

[14] *See* In the Matter of Goldman, Sachs & Co., Order Instituting Administrative and Cease- and-Desist Proceedings, Pursuant to Sections 15(9b) and 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (June 30, 2015) (Release No. 34–75331).

[15] A market order is an order to buy or sell a stated number of options contracts at the best price obtainable when the order reaches the Options Exchange in which the order was sent to. (*See, e.g.,* Chicago Board Options Exchange Rule 6.53).

[16] By way of example, assume the market is $1.00 bid at $1.10 and the size, or liquidity provided on the bid, or offered on the ask, is 100 contracts by 100 contracts. Assume an order is entered as a market order to buy 1000 contracts and the Drill-Through Protection is set at 5 cents and 500 milliseconds (or half a second). The Drill-Through Protection would allow the order to trade up to the price limit set, or $1.15. At $1.15, the order would be halted by the Options Exchange and either routed to another Options Exchange or manually executed. Also, after executing 100 contracts for $1.10, the Drill-Through Protection would temporarily halt the order for 500 milliseconds (or half a second) to allow market makers to refresh their market and size.

[17] *See http://www.reuters.com/article/2012/10/17/us-knightcapital-results-idUSBRE89G0HI20121017.*

significant losses and a disruption of operations. For example, the potential severity of the 2012 Trading Firm Error could have been substantially limited if a Kill-Switch Protection temporarily restricted the trading firm's ability to trade.

Certification Process [18]

OCC has developed, in conjunction with the Options Exchanges, the following process to evaluate each Options Exchange's Risk Controls. Under the proposal, each Options Exchange would certify to OCC that the Options Exchange implemented Risk Controls consistent with the Risk Control Standards using a form provided by OCC and signed by an executive officer of the Options Exchange.[19] Provided regulatory approval is received, Options Exchanges that submit documentation would receive a determination from OCC regarding their Risk Controls by a date no sooner than June 30 of each year (''Evaluation Completion Date'').[20]

Under the Policy, OCC would evaluate each Options Exchange's Risk Controls and the Risk Controls' compliance with the Risk Control Standards by the Evaluation Completion Date based on a review of its certification and supporting materials, which will include, but will not be limited to, proposed rule changes filed with the Commission, approved Options Exchange rules, information circulars, and/or written procedures, if any, in each case consistent with the date of receipt of the certification. If OCC is unable to determine that an Options Exchange has Risk Controls sufficient to meet Risk Control Standards, OCC would furnish the Options Exchange with a concise written statement of the reason(s) as soon as reasonably practicable. The Options Exchange may, within 30 days of receipt of the written statement providing the reason OCC was unable to find the Options Exchange maintained sufficient Risk Controls to meet the proposed Risk Control Standards, present further evidence of such sufficient Risk Controls to OCC. OCC would then conduct a second review and make a recommendation to OCC's Risk Committee [21] whether the Options Exchange has sufficient Risk Controls within 30 days of receiving the evidence of such Risk Controls from the Options Exchange. OCC's Risk Committee would, within 30 days of receipt of the recommendation, review the recommendation and the Options Exchange's supporting materials, as appropriate, to determine whether the Options Exchange has Risk Controls sufficient to meet the Risk Control Standards (''Risk Committee Review''). OCC would furnish the Options Exchange with a concise written statement of the Risk Committee determination and the reason for such determination as soon as reasonably practicable following the Risk Committee Review.

Pursuant to the proposed Policy, on June 30 of each year (with the potential exception of 2016, as noted above),[22] OCC would post a notice to its Web site to which Clearing Members (but not the general public) have access advising Clearing Members, with respect to each Options Exchange, whether: (1) The Options Exchange has implemented sufficient Risk Controls to meet the Risk Control Standards; (2) OCC was unable to determine the Options Exchange has sufficient Risk Controls that meet the Risk Control Standards; or (3) a certification has not been submitted by the Options Exchange.[23]

Collection of Proposed Fee

Beginning on the first business day that is at least 60 days after OCC posts such notice, OCC would charge and collect the Fee in accordance with the Policy for trades executed on an Options Exchange that was determined not to have sufficient Risk Controls to satisfy the Policy.[24] In the event the Fee is charged, it would continue to be charged to and collected from Clearing Members,[25] and the notice would remain posted on OCC's Web site to which Clearing Members (but not the general public) have access, until the Options Exchange has demonstrated it has Risk Controls that satisfy the Policy.[26] OCC believes that implementing this Fee may incentivize Options Exchanges to maintain Risk Controls that are consistent with the proposed Risk Control Standards, thereby reducing the likelihood that erroneous trades are submitted to OCC and the attendant risk identified above comes to fruition.[27] However, the primary reason for the Fee is to provide additional funds for OCC to manage the elevated risk that would be presented to OCC absent the Risk Control Standards and for which OCC has no reasonable means to predict, measure, or consider otherwise. OCC believes the Fee is reasonable, as it represents less than half but more than a third of a premium over the base rate of five cents per contract, and, since clearing fees represent two percent or less of the total execution cost, should not materially impact a Clearing Member that chooses to execute a transaction on an Options Exchange that has not certified its Risk Control Standards.

OCC believes ensuring that funds collected through imposition of the Fee are available for use as current or retained earnings in accordance with Article VIII Section 5(d) of OCC's By-Laws is an integral component of the proposed rule change, as it provides OCC with increased financial means to cover potential losses stemming from a

[18] OCC intends to begin the collection of certifications from the Options Exchanges after appropriate regulatory approval has been obtained.

[19] The signed certification signed by an executive officer of the Options Exchange will attest to the validity, efficacy and implementation of Risk Controls satisfying each of the above described Risk Control Standards. As part of the certification, the executive officer of the Options Exchange will certify that the Options Exchange has met the Risk Control Standards as described in this proposed rule change as approved by the Commission.

[20] OCC notes that the implementation of the Policy and resulting Evaluation Completion Date for 2016 are subject to regulatory approval of the proposed rule change. After receiving regulatory approval, OCC will notify Options Exchanges, its Clearing Members, and market participants of the Evaluation Completion Date for 2016 by issuing an Information Memo on its public Web site. The Evaluation Completion Date for 2016 will be set for a date not sooner than 30 days after issuing the Information Memo (which may be later than June 30, 2016).

[21] OCC's Risk Committee is chaired by a public Director and it does not currently have an Options Exchange representative. In the event OCC's Risk Committee has an exchange representative at some time in the future, such representative would be recused from a decision on the appeal of a determination of an Options Exchange's compliance with the Risk Control Standards.

[22] *See supra* note 19.

[23] For annual certifications commencing in 2017 and thereafter, beginning June 30 of the calendar year for which the certification is being made, OCC would post a notice to its Web site to which Clearing Members (but not the general public) have access advising members, with respect to each Options Exchange, whether: (i) OCC has determined the Options Exchange has sufficient Risk Controls that meet the Risk Control Standards; (ii) OCC was unable to determine the Options Exchange has sufficient Risk Controls that meet the Risk Control Standards; or (iii) a certification has not been submitted by the Options Exchange. In addition, OCC will continue to keep a record posted of the history of each Options Exchange's compliance submission status, and any changes made to that status, with the Risk Control Standards on the same OCC Web site to which Clearing Members (but not the general public) have access in order for Clearing Members to properly keep internal records.

[24] Exhibit 5A contains an updated Schedule of Fees reflecting the Fee. As proposed, the Fee will be applied to all trades executed on an Options Exchange that has not completed the certification process.

[25] The Accounting and Finance Department is responsible for the collection of the Fee and segregation of those funds from other monies collected by OCC.

[26] The National Operations Group is responsible for operationally updating each Options Exchange's certification status, and associated Fee date, as applicable, within the OCC system.

[27] OCC notes, however, that an Options Exchange that does not maintain Risk Controls consistent with the Risk Control Standards is not prevented from submitting transactions to OCC.

default caused by erroneous trades that would be presented to OCC absent the Risk Controls and for which OCC has no reasonable means to predict, measure, or consider.

Exception and Escalation Processes

The proposed Policy also provides that, on rare occasion, OCC may grant exceptions to the Policy in order to appropriately address immediate business issues and provides for an escalation process to report breaches of the Policy.

Commission Rules and Statements on Critical Market Infrastructure

Exchange Act Rule 15c3–5 (''Market Access Rule'') [28] and Regulation Systems Compliance and Integrity (''Regulation SCI,'' collectively with ''Market Access Rule,'' ''Market Integrity Rules'') [29] provide some requirements for the resiliency of critical market infrastructures. The Market Access Rule, which was adopted in November, 2010, generally prohibits broker-dealers from providing ''unfiltered'' or ''naked access'' to the securities markets through an exchange or automated trading system. To comply, broker-dealers must establish and maintain a system of risk management controls and supervisory procedures that are reasonably designed to systematically limit the financial, regulatory, and other risks related to the business activity of any customer utilizing the broker-dealer for access to the national market system. OCC believes that the Risk Control Standards contemplated by the Policy are in no way designed to interfere with, contradict, or undermine the Market Access Rule and are in fact designed to be complementary to the Market Access Rule. The proposed Risk Control Standards, which are based upon calculated prices of orders, bids, and offers, and activity of each Options Exchange participant, as described in more detail above, would provide an additional layer of protections at the Options Exchange level to guard against the risks associated with erroneous trades and would thereby complement the Market Access Rule, which is primarily aimed at controlling access to the marketplace at the firm level. While the Market Access Rule has no doubt contributed to a more resilient market infrastructure, OCC believes there remain gaps in critical market infrastructure with respect to erroneous transactions that should be addressed; in fact, each of the Trading Firm Errors discussed above occurred while the Market Access Rule was in place.

In addition, OCC believes that the Risk Control Standards complement Regulation SCI. Regulation SCI is focused on the need for market participants to bolster the operational integrity of automated systems, whereas the Risk Control Standards are designed to adopt more granular controls around the actual entry of an order that occurs outside the four walls of OCC before a trade is settled or cleared by OCC. As such, OCC believes the Risk Control Standards set specific standards to better further the intent of Regulation SCI. Regulation SCI mandates that an applicable entity have reasonable policies, procedures, and controls in place to ensure the integrity of its systems, but the rule doesn't necessarily prescribe what those controls should be. As proposed, the Risk Control Standards complement the objectives of Regulation SCI by applying specific risk controls related to the execution of trades on Options Exchanges. Because the Risk Control Standards would act to further the intentions of the Market Integrity Rules, rather than undermine or act contrary to them, OCC believes the implementation of the Risk Controls by Options Exchanges consistent with the proposed Risk Control Standards would promote market resiliency when working alongside these Market Integrity Rules.

Finally, OCC believes the proposed Risk Control Standards are consistent with Commission rules requiring clearing agencies to establish and enforce written policies reasonably designed to evaluate the potential sources of risks that can arise when the clearing agency establishes links to clear and settle trades, and to ensure that these risks are managed prudently on an ongoing basis.[30]

OCC also notes that the proposed Risk Control Standards are principle-based in nature and do not prescribe any specific method for satisfying the standards, which would allow each Options Exchange to develop specific Risk Controls that are best suited for its marketplace. Moreover, the adoption of any Risk Control that would be deemed to be a ''rule of an exchange'' [31] under the Securities Exchange Act of 1934, as amended (the ''Act''), would be subject to the rule filing requirements of Section 19(b) of the Act [32] and thereby subject to review by the Commission before it could be implemented by the Options Exchange.[33]

Anticipated Risk Mitigation

As discussed above and throughout the rule proposal, OCC believes that charging an additional fee for trades executed on Options Exchanges that have not implemented Risk Controls consistent with the proposed Risk Control Standards would mitigate potential risks to OCC, its Clearing Members, and the financial markets OCC serves, and mitigate any threat to the stability of the financial system of the United States. OCC believes the potential harm from the recent market disruptions described above would have been limited if Risk Control Standards were in place on the exchanges on which they occurred. As discussed above, OCC believes that market disruptions of this nature present additional risk to OCC for which it has no other means to reasonably predict, measure, or consider, and as a result presents otherwise uncovered risk to OCC's Clearing Members and the financial markets OCC serves and, if left unchecked, could threaten the stability of the financial system of the United States. The imposition of the proposed Fee would provide additional financial resources to help OCC mitigate such risks.

(2) Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [34] as it would help to promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody and control of OCC or for which it is responsible. Absent the certification of Risk Controls consistent with the Risk Control Standards at Options Exchanges from which OCC has no authority or discretion to elect not to clear options transactions, OCC has no assurance that reasonable controls are in place at

[28] *See* 17 CFR 240.15c3–5.

[29] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (Reg SCI Adopting Release).

[30] *See* 17 CFR 240.17Ad–22(d)(7). OCC notes that these links are not limited in scope to linkages between clearing agencies. *See supra* note 5 at 66250–66251.

[31] *See* 15 U.S.C. 78c(a)(27).

[32] 15 U.S.C. 78(s)(b).

[33] Certain Options Exchanges have already filed proposed rule changes, and received approval for such rule changes, with the Commission to implement risk controls that are designed to guard against the same types of risks contemplated by the Risk Control Standards. *See, e.g.* Securities Exchange Act Release No. 76123 (October 16, 2015), 80 FR 62591 (October 16, 2015) (SR–NASDAQ–2015–096) (Order Approving Proposed Rule Change to Adopt a Kill Switch for NOM). *See also* Securities Exchange Act Release No. 77092 (February 9, 2016), 81 FR 7873 (February 16, 2016) (SR–BOX–2016–03) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Add Rule 7310 (Drill-through Protection) to Implement a New Price Protection Feature).

[34] 15 U.S.C. 78q–1(b)(3)(F).

Options Exchanges to help mitigate the potential risks that may arise, for example, due to operational errors outside of OCC, that OCC has no ability to predict, measure, or consider. This otherwise uncovered risk increases the likelihood that an OCC Clearing Member would experience a default that would cause OCC to use the funds of other Clearing Members that are in its custody and control (Clearing Fund deposits).

While the Market Integrity Rules help to build a safe and reliable market structure environment, they do not provide absolute protections to OCC, its Clearing Members, and the financial markets OCC serves from risks attendant to the clearance of erroneous transactions that are nevertheless executed on Options Exchanges. OCC notes that the Trading Firm Errors described above occurred after the adoption of the Market Access Rule, and Regulation SCI does not mandate the implementation of Risk Control Standards as contemplated by the Policy. In the event an Options Exchange has not implemented Risk Controls designed to meet the proposed Risk Control Standards, imposition of the Fee would provide OCC with additional financial resources, which are derived from fees associated with the execution of transactions that are driving such risks, that would facilitate OCC's ability to promptly fulfill its settlement obligations and contribute to the safeguarding of funds in OCC's custody and control by reducing the likelihood an erroneous trade that causes an OCC Clearing Member to default would exhaust the financial resources of the defaulting Clearing Member available to OCC so that OCC is required to use mutualized resources deposited by non-defaulting Clearing Members with OCC as Clearing Fund.

OCC also believes the proposed increase to fees for transactions executed on an Options Exchange that does not implement sufficient Risk Controls to meet the Risk Control Standards is an equitable allocation of reasonable fees among its participants, as required by Section 17A(b)(3)(D) of the Act.[35] The proposed Fee would be charged only to Clearing Members that execute trades on Options Exchanges that have not implemented Risk Controls designed to meet the proposed Risk Control Standards. The transactions executed on these Options Exchanges generate risk for OCC by increasing the likelihood that a guaranteed erroneous trade would exhaust OCC's financial resources available in the event of a Clearing Member default and that OCC would use mutualized resources deposited by non-defaulting Clearing Members to cover at least part of the loss. The two cent charge will better enable OCC to allocate fees to transactions that are driving that risk.

Finally, OCC believes the proposed rule change is consistent with Rule 17Ad–22(d)(7),[36] which requires OCC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure that risks that arise when OCC establishes links are managed prudently on an ongoing basis. Though the primary type of link arrangement contemplated by Rule 17Ad–22(d)(7) is between clearing agencies, the Commission declined to explicitly restrict application of Rule 17Ad–22(d)(7) to links between clearing agencies, noting that ''during the clearance and settlement process, a registered clearing agency is confronted with a variety of risks that must be identified and understood if they are to be effectively controlled. To the extent that these risks arise as a result of a registered clearing agency's links with another entity involved with the clearance and settlement process, Rule 17Ad–22(d)(7) should help ensure that clearing agencies have policies and procedures designed to identify those risks.'' [37] OCC believes this proposed rule change is the product of thorough evaluation of risks presented to OCC arising from links with another entity involved with the clearance and settlement process.[38] Finally, the proposed rule change is not inconsistent with any existing OCC By-Laws or Rules, including those proposed to be amended.[39]

(B) Clearing Agency's Statement on Burden on Competition

OCC believes the proposed rule change may impose a burden on competition amongst Options Exchanges, as Options Exchanges that do not implement sufficient Risk Control Standards to meet the Risk Control Standards will have the Fee added to the cost of transacting on such Options Exchange. OCC believes that the burden on competition is necessary and appropriate in furtherance of the Act because, as discussed above, imposition of the Fee would provide OCC with a means to accrue funds to help cover additional risk that OCC has no other means to predict, measure, or consider, and as a result presents otherwise uncovered risk to OCC's Clearing Members and the financial markets OCC serves and, if left unchecked, could threaten the stability of the financial system of the United States. The additional risk to OCC, its Clearing Members, and the financial markets it serves that results from the increased likelihood that an erroneous transaction will cause an OCC Clearing Member to default and cause OCC to cover the loss in part through mutualized resources available in its Clearing Fund must be addressed by OCC in furtherance of Sections 17A(b)(3)(F) [40] and 17A(b)(3)(D) [41] of the Act and Rule 17Ad–22(d)(7) thereunder,[42] as described above.

While the proposed Fee would be charged to Clearing Members that execute on Options Exchanges that do not implement sufficient Risk Controls to meet the Risk Control Standards, OCC does not believe that this charge results in a burden on competition between Clearing Members. OCC believes that differential fees are not, in and of themselves, burdens on competition amongst industry participants that pay those fees; in fact, OCC's current fee structure applies differential fees for Clearing Members based on the number of contracts within a trade. Furthermore, while the Fee is important for OCC to properly manage risks attendant with the provision of clearing services in a market that does not have Risk Control Standards, it represents an incremental increase—less than half but more than a third of a premium over the base rate of five cents per contract of what is an infinitesimal component—approximately two percent—of the total execution costs for an options contract.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to

[35] 15 U.S.C. 78q–1(b)(3)(D).

[36] 17 CFR 240.17Ad–22(d)(7).

[37] *See supra* note 5.

[38] The Commission's proposed Standards for Covered Clearing Agencies would also require a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage risks related to any link the covered clearing agency establishes with among other things, trading markets. *See* Proposed Rule 17Ad–22(e)(20), Standards for Covered Clearing Agencies, Proposed Rule, Securities Exchange Act Release No. 71699 (March 12, 2014), 79 FR 29507 (May 22, 2014).

[39] OCC also notes that many of the Risk Controls require regulatory approval prior to implementation on the Options Exchanges. As such, OCC does not believe that any of the Risk Controls will be in conflict with any other rules of the exchanges.

[40] 15 U.S.C. 78q–1(b)(3)(F).

[41] 15 U.S.C. 78q–1(b)(3)(D).

[42] 17 CFR 240.17Ad–22(d)(7).

the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self- regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2016–004 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–OCC–2016–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_16_004.pdf.*

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–OCC–2016–004 and should be submitted on orbefore April 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06098 Filed 3–17–16; 8:45 am]

BILLING CODE 8011–01–P

[43] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

AGENCY: U.S. Small Business Administration.

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 17, 2016.

ADDRESSES: Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mary Frias, Loan Specialist, Office of Financial Assistance, *mary.frias@sba.gov*, 202–401–8234, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business Administration (SBA) regulations require that we determine that a participating Certified Development Company's Non-Bank Lender Institution's or Microlender's management, ownership, etc. is of ''good character''. To do so requires the information requested on the Form 1081. This form also provides data used to determine the qualifications and capabilities of the lenders key personnel.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Statement of Personal History.

Description of Respondents: Small Business Lending Companies.

Form Number: SBA Form 1081.

Total Estimated Annual Responses: 215.

Total Estimated Annual Hour Burden: 107.50.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2016–06135 Filed 3–17–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Northcreek Mezzanine Fund II, L.P.; License No. 05/05–0315: Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Northcreek Mezzanine Fund II, L.P., 255 East 5th Street, Suite 3010 Cincinnati, OH 45202, a Federal Licensee Under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Northcreek Mezzanine Fund I, L.P. and Northcreek Mezzanine Fund II, L.P. propose to provide debt and equity financing to FBM Holdings LLC, 100 Winners Circle, Brentwood, TN 37027.

The financing is brought within the purview of § 107.730(a)(2) of the Regulations because Northcreek Mezzanine Fund I, L.P. is currently invested in FBM Holdings, LLC and

because of its level of ownership, FBM Holdings LLC is an Associate. Northcreek Mezzanine Fund I, L.P. and Northcreek Mezzanine Fund II, L.P. are also Associates and are seeking to co-invest in FBM Holdings, LLC. Therefore this transaction is considered financing an Associate, requiring prior SBA exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: March 10, 2016.

Michele J. Schimpp,

Deputy Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2016–06136 Filed 3–17–16; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14663 and #14664]

Oregon Disaster #OR–00079

AGENCY: U.S. Small Business Administration

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of OREGON dated 03/09/2016.

Incident: Severe Winter Storms, Straight-line Winds, Flooding, Landslides and Mudslides.

Incident Period: 12/06/2015 through 12/23/2015.

Effective Date: 03/09/2016.

Physical Loan Application Deadline Date: 05/09/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 12/09/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clackamas, Tillamook.

Contiguous Counties:

Oregon: Clatsop, Columbia, Hood River, Lincoln, Marion, Multnomah, Polk, Wasco, Washington, Yamhill.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14663 B and for economic injury is 14664 0.

The State which received an EIDL Declaration # is Oregon.

(Catalog of Federal Domestic Assistance Numbers 59008)

Dated: March 9, 2016.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2016–06138 Filed 3–17–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14665 and #14666]

Virginia Disaster #VA–00063

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Virginia (FEMA–4262–DR), dated 03/07/2016.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 01/22/2016 through 01/23/2016.

Effective Date: 03/07/2016.

Physical Loan Application Deadline Date: 05/06/2016.

Economic Injury (Eidl) Loan Application Deadline Date: 12/07/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/07/2016, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Albemarle, Alexandria City, Arlington, Caroline, Clarke, Culpeper, Fairfax, Falls Church City, Fauquier, Frederick, Highland, King George, Loudoun, Louisa, Madison, Manassas City, Manassas Park City, Page, Patrick, Prince William, Rappahannock, Spotsylvania, Stafford, Warren, Winchester City.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14665B and for economic injury is 14666B.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–06139 Filed 3–17–16; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9488]

Culturally Significant Object Imported for Exhibition Determinations: ''A Portrait of Antinous: In Two Parts'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of

October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the object to be included in the exhibition ''A Portrait of Antinous: In Two Parts,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Art Institute of Chicago, Chicago, Illinois, from on about April 2, 2016, until on or about August 28, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: March 10, 2016.

Mark Taplin,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–06171 Filed 3–17–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9464]

Additional Designation of a North Korean Entity Pursuant to Executive Order 13382

AGENCY: Department of State.

ACTION: Designation of The Strategic Force Pursuant to E.O. 13382

SUMMARY: Pursuant to the authority in section 1(ii) of Executive Order 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'', the State Department, in consultation with the Secretary of the Treasury and the Attorney General, has determined that The Strategic Force has engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern.

DATES: The designation by the Secretary of State of the entity identified in this notice pursuant to Executive Order 13382 is effective on December 8, 2015.

FOR FURTHER INFORMATION CONTACT: Director, Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–647–5193.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 30, 2005. In the Order the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

Information on the additional designee is as follows:

Name: Strategic Force

AKA: Strategic Forces
AKA: Strategic Rocket Force
AKA: The Strategic Rocket Force Command of KPA
AKA: Strategic Rocket Force of the Korean People's Army
Address: Pyongyang, North Korea

Dated: December 8, 2015.

John F. Kerry,

Secretary of State, Department of State.

Note: This document was received by the Office of the Federal Register on March 10, 2016.

[FR Doc. 2016–05848 Filed 3–17–16; 8:45 am]

BILLING CODE 4710–27–P

SURFACE TRANSPORTATION BOARD

[STB Docket No. FD 35952]

Great Lakes Basin Transportation, Inc: Authority To Construct and Operate a Rail Line in Indiana, Illinois and Wisconsin

AGENCY: Surface Transportation Board.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement; Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meetings; and Request for Comments on Draft Scope of Study.

SUMMARY: Great Lakes Basin Transportation, Inc. (GLBT) plans to file either a petition for exemption pursuant to 49 U.S.C. 10502, or an application pursuant to 49 U.S.C. 10901, seeking authority from the Surface Transportation Board (Board) to construct and operate an approximately 278-mile rail line. According to GLBT, the proposed rail line would extend generally from near La Porte, Indiana through Illinois to near Milton, Wisconsin and would connect with existing Class I railroads.

The construction and operation of the GLBT's proposed rail line has the potential to result in significant environmental impacts; therefore, the Board's Office of Environmental Analysis (OEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The purpose of this Notice of Intent is to inform stakeholders—including members of the public; Tribes; federal, state, and local agencies; environmental groups; potential shippers and other parties—interested in or potentially affected by the proposed project. OEA will hold public scoping meetings as part of the NEPA process. Comments submitted during scoping will assist OEA in defining the range of alternatives and potential impacts to be considered in the EIS. OEA has developed a Draft Scope of Study for the EIS for stakeholder review and comment. Public meeting dates and locations, along with the Draft Scope of Study, are provided below. This Notice of Intent initiates the EIS process and scoping.

DATES: *Dates and Locations:* The public scoping meetings will be held at the following locations on the dates listed:

- April 11, 2016; 5:30–8:00 p.m.; Manteno Sportsmen's Club Banquet Hall, 851 North Main Street, Manteno, Illinois;
- April 12, 2016; 5:30–8:00 p.m.; Lowell Town Hall, 501 East Main Street, Lowell, Indiana;
- April 13, 2016; 5:30–8:00 p.m.; American Legion Banquet Hall, 203 South Washington Street, Wanatah, Indiana;
- April 14, 2016; 5:30–8:00 p.m.; Civic Auditorium Banquet Room, 1001 Ridge Street, LaPorte, Indiana;
- April 18, 2016; 5:30–8:00 p.m.; Craig High School Cafeteria, 401 South Randall Street, Janesville, Wisconsin;
- April 19, 2016; 5:30–8:00 p.m.; Cherry Valley Fire Station #2 Hall, 4919 Blackhawk Road, Rockford, Illinois;
- April 20, 2016; 5:30–8:00 p.m.; Rochelle Township High School Auditorium, 1401 Flagg Road, Rochelle, Illinois; and
- April 21, 2016; 5:30–8:00 p.m.; Seneca High School Auditorium, 307 East Scott Street, Seneca, Illinois.

The scoping meetings will be held in an open house format for the first hour followed by a brief presentation by OEA. After the presentation, interested parties will be provided an opportunity for public comment at an open microphone for the balance of the scoping meeting. A court reporter will transcribe these oral public comments.

The meeting locations comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*). Persons that need special accommodations should contact OEA's project manager listed below.

OEA invites written public comments on all aspects of the Draft Scope of Study and is providing a 60-day public comment period which begins on March 18, 2016. These written comments may be submitted (1) during the scoping meetings, or (2) by mailing or electronic filing the comments using the filing instructions below. Comments should be submitted by May 16, 2016 to assure full consideration during the scoping process. OEA will issue a Final Scope of Study after the close of the scoping comment period.

Summary of the Board's Environmental Review Process: The NEPA process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. OEA is responsible for ensuring that the Board complies with NEPA and related environmental statutes. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS. As part of the scoping process, OEA has developed, and has made available for public comment in this notice, a Draft Scope of Study for the EIS. Scoping meetings will be held in the project area to provide further opportunities for public involvement and input during the scoping process. In addition to comments on the Draft Scope of Study, interested parties are also encouraged to comment on potential alternative routes for the proposed rail line. At the conclusion of the scoping period, OEA will issue a Final Scope of Study for the EIS.

After issuing the Final Scope of Study, OEA will prepare a Draft EIS for the project. The Draft EIS will address the environmental issues and concerns identified during the scoping process and assess and compare potential alternatives including the no-action alternative. The Draft EIS will also contain OEA's preliminary recommendations for environmental mitigation measures. Upon its completion, the Draft EIS will be made available for review and comment by the public, government agencies, and other interested parties. OEA will prepare a Final EIS that considers comments on the Draft EIS. In reaching its decision in this case, the Board will consider the Draft EIS, the Final EIS, all environmental comments, and OEA's recommendations regarding the environmentally preferred alternative and environmental mitigation measures.

OEA will be inviting several agencies to participate in this EIS process as cooperating agencies on the basis of their special expertise or jurisdiction by law.

Filing Environmental Comments: Scoping comments submitted by mail should be addressed to: Dave Navecky, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, Docket No. FD 35952.

Scoping comments may also be submitted electronically on the Board's Web site, *www.stb.dot.gov,* by clicking on the ''E–FILING'' link on the home page and then selecting ''Environmental Comments.'' Log-in accounts are not needed to file environmental comments electronically, and comments may be typed into the text box provided or attached as a file. If you have difficulties with the e-filing process, please call 202–245–0350.

Please refer to Docket No. FD 35952 in all correspondence, including e-filings, addressed to the Board.

Scoping Comments are due by May 16, 2016.

FOR FURTHER INFORMATION CONTACT: Dave Navecky by mail at Office of Environmental Analysis, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001; by email at *david.navecky@stb.dot.gov,* or by phone at 202–245–0294. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Members of the press should contact Dennis Watson in the Board's Office of Public Assistance, Governmental Affairs, and Compliance by email at *dennis.watson@stb.dot.gov,* or by phone at 202–245–0234.

The Web site for the Board is *www.stb.dot.gov.* Project specific information on the Board's Web site may be found by placing your cursor on the ''Environmental Matters'' button, then clicking on the ''Key Cases'' button in the drop down menu and then selecting ''Great Lakes Basin.'' For additional information about the Board's environmental review process and this EIS, you may also visit a Board-sponsored project Web site at *GreatLakesBasinRailEIS.com.* The project Web site includes a map of the project area including the potential route proposed by GLBT.

SUPPLEMENTARY INFORMATION:

Draft Scope of Study for the EIS

Purpose and Need

GLBT states that the principal purpose of the proposed rail line is to provide Class I railroads and a regional railroad utilizing the Chicago

metropolitan terminal area with more efficient options to route trains around the city. The Class I railroads include: BNSF Railway Company, Union Pacific Railroad Company, Canadian National Railway Company, Norfolk Southern Railway Company, Canadian Pacific Railway Company, and CSX Transportation, Inc. The regional railroad is the Wisconsin and Southern Railroad LLC. The proposed rail line would (1) allow freight traffic not destined for or originating in Chicago to bypass the existing congested Chicago terminal area, and (2) add capacity to accommodate existing and reasonably anticipated future growth while avoiding major population centers.

GLBT anticipates that the proposed rail line would be utilized by unit commodity trains and mixed carload and intermodal trains that do not require transport to the Chicago terminal area for sorting or delivery. GLBT would construct a terminal for its rail operations near Manteno, Illinois to provide switching, servicing, and car and locomotive repair to its railroad customers. According to GLBT, transit times through the Chicago area, which currently can take up to 30 hours to complete, would be reduced to under 8 hours depending on the specific interchange points and applicable speed restrictions on the proposed rail line. The expected congestion relief would allow the railroads to better handle their Chicago proper and suburban traffic and make room for potential future growth within the existing terminal network.

The proposed project is not a federal government-proposed or sponsored project. Thus, the Board has determined that the project's purpose and need should be informed by both the applicant's goals and the agency's enabling statute, here, 49 U.S.C. 10901. Section 10901 provides that the Board must approve a construction request unless it finds that the construction is ''inconsistent with the public convenience and necessity.''

Proposed Action and Alternatives

GLBT's proposed rail line would involve a petition for exemption or application seeking authority from the Board to construct and operate an approximately 278-mile rail line. According to GLBT, the rail line would extend generally from near La Porte, Indiana through Illinois to near Milton, Wisconsin.

The proposed rail line would consist mostly of double track. The tracks would use Centralized Traffic Control signals and Positive Train Control to allow for movements of up to 110 trains per day. Other major elements of the proposed project would include a 200-foot-wide right-of-way, flyovers at railroad crossings, four major river crossings in the State of Illinois (the Illinois, Kankakee, Fox, and Rock rivers), and grade-separated crossings of interstate highways and many roadways. The proposed project could include at-grade road crossings and the closure of some small rural roads.

The EIS will analyze and compare the potential impacts of (1) construction and operation of all reasonable and feasible alternative routes for the proposed GLBT rail line and (2) the no-action alternative (denial of the petition or application).

Environmental Impact Analysis

Proposed Construction and Operation

Analyses in the EIS will address the proposed activities associated with the construction and operation of the rail line and its potential environmental impacts, as appropriate.

Impact Categories

The EIS will analyze potential direct, indirect, and cumulative impacts [1] of GLBT's proposed rail line construction and operation, including the range of reasonable and feasible alternatives, on the human and natural environment, or in the case of the no-action alternative, the lack of these activities.

Impact areas addressed will include the categories of transportation systems, safety, land use, recreation, biological resources, water resources, including wetlands and other waters of the U.S., navigation, geology and soils, air quality, noise, energy resources, socioeconomics, cultural and historic resources, aesthetics and environmental justice. Other categories of potential impacts may also be included as a result of comments received during the scoping process or on the Draft EIS. The EIS will include a discussion of each of these categories as they currently exist in the project area and will address the potential direct, indirect, and cumulative impacts of each reasonable and feasible alternative on each category as described below:

1. Transportation Systems

The EIS will:

a. Describe existing transportation network in the project area.

b. Analyze potential impacts resulting from each alternative on the existing transportation network in the project area.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts to transportation systems, as appropriate.

2. Safety

The EIS will:

a. Describe road/rail grade crossing safety and analyze the potential for an increase in accidents related to the proposed rail operations, as appropriate.

b. Describe existing rail operations and analyze the potential for increased probability of train accidents, as appropriate.

c. Analyze the potential for disruption and delays to the movement of emergency vehicles from any new at-grade crossings and road closures that could accompany the construction and operation of the proposed rail line.

d. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on safety, as appropriate.

3. Land Use

The EIS will:

a. Describe existing land use patterns in the project area. Analyze potential impacts on existing land use patterns and land uses from each alternative including potential impacts on agricultural activities from rail line construction and operation.

b. Evaluate consistency with Coastal Zone Management Program, as applicable.

c. Propose mitigation measures to avoid, minimize or eliminate potential impacts on land use, as appropriate.

4. Recreation

The EIS will:

a. Describe existing conditions and analyze the potential impacts of each alternative on recreational areas and opportunities provided in the project area.

b. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on recreational opportunities, as appropriate.

5. Biological Resources

The EIS will:

a. Evaluate the existing biological resources within the project area, including vegetative communities, wildlife, fisheries, wetlands, and federal and state threatened or endangered species, and the potential impacts to these resources resulting from each alternative.

b. Describe any relevant wildlife sanctuaries, refuges, national or state

[1] NEPA requires the Board to consider direct, indirect, and cumulative impacts. Direct and indirect impacts are both caused by the action. 40 CFR 1508.8(a)–(b). A cumulative impact is the ''incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.'' 40 CFR 1508.7.

parks, forests, or grasslands, and analyze the potential impacts on these resources resulting from each alternative.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts to biological resources, as appropriate.

6. Water Resources

The EIS will:

a. Describe the existing surface water and groundwater resources within the project area, including the lakes, rivers, streams, agricultural drainage tile systems, stock ponds, wetlands, and floodplains and analyze the potential impacts on these resources resulting from each alternative.

b. Describe the permitting requirements for the various alternatives with regard to wetlands, river crossings, water quality, floodplains, and erosion control.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts to water resources, as appropriate.

7. Navigation

The EIS will:

a. Describe existing navigable waterways within the project area and analyze the potential impacts on navigability resulting from each alternative.

b. Describe the permitting requirements for the various alternatives with regard to navigation.

c. Propose mitigation measures to avoid, minimize or eliminate potential impacts on navigation, as appropriate.

8. Geology and Soils

The EIS will:

a. Describe the geology, soils, and seismic conditions found within the project area, including unique or problematic geologic formations or soils, prime farmland, and hydric soils, and analyze the potential impacts on these resources resulting from each alternative.

b. Analyze potential measures employed to avoid or construct through unique or problematic geologic formations or soils.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on geology and soils, as appropriate.

9. Air Quality and Climate

The EIS will:

a. Analyze the potential air emissions from operations on each alternative, including potential changes in greenhouse gas emissions, as appropriate.

b. Analyze the potential air quality impacts resulting from rail line construction activities.

c. Analyze the potential impacts of the proposed project on global climate change and the potential impacts of global climate change on the proposed project.

d. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on air quality and global climate change, as appropriate.

10. Noise and Vibration

The EIS will:

a. Describe the potential noise and vibration impacts on noise sensitive receptors (*e.g.,* residences, schools, and libraries) of each alternative.

b. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on sensitive noise receptors, as appropriate.

11. Energy Resources

The EIS will:

a. Describe and analyze the potential impact of the proposed project on the distribution of energy resources in the project area resulting from each alternative.

b. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on energy resources, as appropriate.

12. Socioeconomics

The EIS will:

a. Analyze the effects of a potential influx of construction workers to the project area and the potential increase in demand for local services interrelated with natural or physical environmental effects.

b. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on social and economic resources, as appropriate.

13. Cultural and Historic Resources

The EIS will:

a. Describe historic buildings, structures, sites, objects, or districts eligible for listing on or listed on the National Register of Historic Places (built-environment historic properties) within the area of potential effects for each alternative and analyze potential project impacts on them.

b. Describe properties of traditional religious and cultural importance to Indian Tribes, Traditional Cultural Properties (TCPs), and prehistoric or historic archaeological sites evaluated as potentially eligible, eligible, or listed on the National Register of Historic Places (archaeological and historic properties) within the area of potential effects for each alternative, and analyze potential project impacts on them.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts to TCPs, and built-environment and archaeological historic properties, as appropriate.

14. Aesthetics

The EIS will:

a. Describe the potential impacts of the proposed rail line construction on any areas identified or determined to be of high visual quality.

b. Describe the potential impacts of the proposed rail line construction on any waterways considered for or designated as wild and scenic.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on aesthetics, as appropriate.

15. Environmental Justice

The EIS will:

a. Describe minority and low-income populations in the project area.

b. Analyze the potential impacts resulting from each alternative on those minority and low-income populations.

c. Propose mitigation measures to avoid, minimize or eliminate potential project impacts on environmental justice populations, as appropriate.

16. Cumulative Impacts

The EIS will evaluate the cumulative and incremental impacts of the proposed project when added to impacts from other past, present, and reasonably foreseeable future actions in the project area, as appropriate.

Decided: March 15, 2016.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2016–06151 Filed 3–17–16; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2016–2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the second quarter 2016 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2016 RCAF (Unadjusted) is 0.840. The second quarter 2016 RCAF (Adjusted) is 0.356. The second quarter 2016 RCAF–5 is 0.336.

DATES: *Effective Date:* April 1, 2016.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site, *http://www.stb.dot.gov.* Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Decided: March 15, 2016.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Tia Delano,

Clearance Clerk.

[FR Doc. 2016–06161 Filed 3–17–16; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2016 0027]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MAH JONG; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 18, 2016.

ADDRESSES: Comments should refer to docket number MARAD–2016–0027. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MAH JONG is:

Intended Commercial Use Of Vessel: Coastal day sailing, providing experiential education programs for people of S.C.

Geographic Region: ''SOUTH CAROLINA''

The complete application is given in DOT docket MARAD–2016–0027 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 8, 2016.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2016–06082 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2016 0029]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel KAI'OLU; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 18, 2016.

ADDRESSES: Comments should refer to docket number MARAD–2016–0029. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel KAI'OLU is:

Intended Commercial Use of Vessel: ''Private Vessel Charters, Passengers Only''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington, and

Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound])''

The complete application is given in DOT docket MARAD–2016–0029 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 8, 2016.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2016–06101 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2016–0026]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLACKBIRD X; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 18, 2016.

ADDRESSES: Comments should refer to docket number MARAD–2016–0026. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BLACKBIRD X is:

Intended Commercial Use of Vessel: As a hovercraft charter business during Spring and Summer. If chartering includes sport fishing, the fish caught would NOT be sold commercially

Geographic Region: ''New York, Connecticut''

The complete application is given in DOT docket MARAD–2016–0026 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 8, 2016.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2016–06100 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0036]

Guidelines for the Safe Deployment and Operation of Automated Vehicle Safety Technologies

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

ACTION: Announcement of public meeting.

SUMMARY: NHTSA is announcing a public meeting to seek input on planned guidelines for the safe deployment and operation of automated vehicles. The intent of the operational guidance is to encourage innovative and safe deployment of automated vehicle technologies.

At this meeting, NHTSA is seeking public input on those aspects of automated vehicle (AV) systems that would benefit from operational guidelines. For example, of high importance to the Agency is information on the roadway scenarios and operational environments highly automated vehicles will need to address and the associated design and evaluation processes and methods needed to ensure that AV systems can detect and appropriately react to these scenarios such that a high level of safety is assured when these systems are deployed on US roadways.

Also of interest would be input on aspects of automated vehicle technology that may not be suitable or ready for guidelines. For these areas, information would be useful on alternative approaches to assure safety.

DATES: NHTSA will hold the public meeting on April 8, 2016, in

Washington, DC. The meeting will start at 9:00 a.m. and continue until 4:00 p.m., local time. Check-in (through security) will begin at 8 a.m. (Note: A second public meeting will be held on the West Coast (California), and details for that meeting will be announced in a separate **Federal Register** (FR) Notice.)

ADDRESSES: The meeting will be held at the U.S. Department of Transportation, West Building, Ground Floor Atrium, 1200 New Jersey Avenue SE., Washington, DC 20590. This facility is accessible to individuals with disabilities. The meeting will also be webcast live, and a link to the actual webcast will be available through *http://www.nhtsa.gov/Research/Crash+Avoidance/Automated+Vehicles.*

FOR FURTHER INFORMATION CONTACT: If you have questions about the public meeting, please contact us at *av_info_nhtsa@dot.gov.*

Registration is necessary for all attendees. Attendees should register at *http://goo.gl/forms/l8z3HVM6hw* by April 1, 2016. Please provide name and affiliation, indicate if you wish to offer technical remarks, and please indicate whether you require accommodations such as a sign language interpreter. Space is limited, so advanced registration is highly encouraged.

Although attendees will be given the opportunity to offer technical remarks, there will not be time for attendees to make audio-visual presentations during the meeting. Note: We may not be able to accommodate all attendees who wish to make oral remarks. Should it be necessary to cancel the meeting due to inclement weather or other emergency, NHTSA will take all available measures to notify registered participants.

NHTSA will conduct the public meeting informally, and technical rules of evidence will not apply. We will arrange for a written transcript of the meeting and keep the official record open for 30 days after the meeting to allow submission of supplemental information. You may make arrangements for copies of the transcripts directly with the court reporter, and the transcript will also be posted in the docket when it becomes available.

Written Comments: Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public meeting. Please submit all written comments no later than May 9, 2016, by any of the following methods:

- *Federal Rulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* 202–366–1767.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Docket: For access to the docket go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202–366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://www.regulations.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should submit a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

SUPPLEMENTARY INFORMATION:

Background

DOT recently announced a series of actions to remove potential roadblocks to the integration of innovative automotive technology. As part of this effort, several milestones were announced for 2016, including development of guidance on the safe deployment and operation of automated vehicles.

Draft Agenda

08:00–09:00—Arrival/Check-In
09:00–12:00—Morning Public Meeting Session
12:00–13:00—Lunch Break
13:00–16:00—Afternoon Public Meeting Session
16:00–Adjourn

Public Meeting Topics

NHTSA is seeking input on the following topics during the morning and afternoon sessions of the meeting.

1. *Evaluation and testing of scenarios the AV system should detect and correctly operate in:* Within the AV system's operating envelope, consider how to identify the scenarios that could be encountered by the AV system (*e.g.,* behavioral competencies/normal driving, pre-crash scenarios, etc.) and what design and evaluation (testing) processes and methods are needed to ensure that the vehicle can detect and appropriately react to these scenarios. Consider whether third party testing is appropriate for validating test results.

2. *Detection and communication of operational boundaries:* If there are limitations on where AV technology will operate—what methods should the AV technology use to sense when it is reaching the operational domain limit and how should that be communicated to the driver?

3. *Environmental operation and sensing:* Consider what environmental conditions AV systems will likely operate in. For environmental conditions in which AV systems are not designed to operate, discuss methods used to detect these conditions.

4. *Driver transitioning to/from AV operating mode:* For AV systems that rely on transferring vehicle operation back to the driver, discuss approaches to (a) ensuring safe transitioning back to a fully capable non-impaired driver (*e.g.,* geo-fencing, adverse weather) and (b) how non optimal driver behavior will be addressed by the AV system (*e.g.,* decision errors, erratic behavior, driver impairment.)

5. *Data:* Consider data recording capabilities of system(s) necessary to monitor the correct operation of the AV system, and what are appropriate triggers (crash, near crash, etc.) to determine system operational status or possible malfunction of the system. Also consider how recorded data could be

accessed and by whom. During the testing phase, consider what data should be made public for further analysis and understanding.

6. *Crash avoidance capability:* Consider the capabilities of AV systems with respect to detecting roadway hazards (other vehicles, pedestrians, animals, etc.) such that common crash scenarios involving these hazards (control loss, crossing paths head-on, etc.) can be detected and either avoided or mitigated.

7. *Electronics systems safety:* Consider methods and potential documentation that could be produced with respect to functional safety and cybersecurity.

8. *Non-passenger AVs:* Consider differences between AVs designed for delivery of goods and products that are not intended to have a human operator or potentially even human passengers.

9. *Aspects of AV technology that may not be suitable or ready for guidelines.* For these areas, information would be useful on alternative approaches to assure safety.

10. *Identification of industry voluntary standards, best practices, etc., related to automated vehicle operation.*

11. *Information AV's may need to communicate to pedestrians and other vehicles (manual or automated) just as a driver would.* Consider situations such as pedestrians crossing a travel lane in a parking lot and how this communication should be accomplished.

12. *Other topics needed for operational guidance:* Other topics that would be beneficial to address in an operational guidance document to facilitate innovation and safe deployment of these systems on public roadways.

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

Nathaniel Beuse,

Associate Administrator for Vehicle Safety Research.

[FR Doc. 2016–06143 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Delayed Applications

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of application delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, (202) 366–4535.

Key to "Reason for Delay"

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications

Meaning of Application Number Suffixes

N—New application
M—Modification request
R—Renewal Request
P—Party To Exemption Request

Issued in Washington, DC, on March 10, 2016.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Applicant	Reason for delay	Estimated date of completion
Modification to Special Permits			
16412–M	Nantong CMC Tank Equipment Co. Ltd., Jiangsu, Province	4	03–31–2016
15628–M	Chemours Company FC, LLC, Wilmington, DE	4	03–31–2016
15610–M	TechKnowServ Corp., State College, PA	4	03–31–2016
15537–M	Alaska Pacific Powder Company, Watkins, CO	4	04–15–2016
7607–M	Thermo Fisher Scientific, Franklin, MA	4	03–31–2016
16035–M	LCF Systems, Inc., Scottsdale, AZ	4	04–30–2016
14437–M	Columbiana Boiler Company (CBCo), LLC, Columbiana, OH	4	02–15–2016
New Special Permit Applications			
15767–N	Union Pacific Railroad Company, Omaha, NE	3	02–29–2016
16001–N	VELTEK ASSOCIATES, INC., Malvern, PA	3	03–31–2016
16477–N	Hydroid, Inc., Pocasset, MA	4	03–15–2016
16495–N	TransRail Innovation, Inc., Calgary	4	03–31–2016
16524–N	Quantum Fuel Systems Technologies Worldwide, Inc., Lake Forest, CA	4	03–15–2016
16463–N	Salco Products, Lemont, IL	3	03–31–2016
16571–N	Chevron USA Inc., San Ramon, CA	4	04–15–2016
16559–N	HTEC Hydrogen Technology & Energy Corporation, North Vancouver, BC; Canada	4	04–30–2016
16560–N	LightSail Energy, Inc., Berkeley, CA	4	04–30–2016
Party to Special Permits Application			
16279–P	AEG Environmental Products & Services, Inc.; Westminster, MD	4	03–31–2016

[FR Doc. 2016–06055 Filed 3–17–16; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before May 17, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Elaine, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or at *Elaine.H.Christophe@irs.gov.*

Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or recordkeeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*).

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Currently, the IRS is seeking comments concerning the following forms, and reporting and recordkeeping requirements:

1. *Title:* Direct Rollovers and 20-Percent Withholding Upon Eligible Rollover Distributions From Qualified Plans.

OMB Number: 1545–1341.

Abstract: This regulation implements the provisions of the Unemployment Compensation Amendments of 1992 (Pub. L. 102–318), which impose mandatory 20 percent income tax withholding upon the taxable portion of certain distributions from a qualified pension plan or a tax-sheltered annuity that can be rolled over tax-free to another eligible retirement plan unless such amounts are transferred directly to such other plan in a ''direct rollover'' transaction. These provisions also require qualified pension plans and tax sheltered annuities to offer their participants the option to elect to make ''direct rollovers'' of their distributions and to provide distributees with a written explanation of the tax laws regarding their distributions and their option to elect such a rollover.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 1,423,926.

Estimated Time per Respondent: .45 minutes.

Estimated Total Annual Burden Hours: 643,369.

2. *Title:* Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR). *OMB Number:* 1545–0790.

Form Number: 8082.

Abstract: A partner, S corporation shareholder, or the holder of a residual interest in a real estate mortgage investment conduit (REMIC) generally must report items consistent with the way they were reported by the partnership or S corporation on Schedule K–1 or by the REMIC on Schedule Q. Also, an estate or domestic trust beneficiary, or a foreign trust owner or beneficiary, is subject to the consistency reporting requirements for returns filed after August 5, 1997. Form 8082 is used to notify the IRS of any inconsistency between the tax treatment of items reported by the partner, shareholder, etc., and the way the pass-through entity treated and reported the same item on its tax return.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and farms.

Estimated Number of Respondents: 7,067.

Estimated Time per Respondent: 7 hr., 13 min.

Estimated Total Annual Burden Hours: 51,024.

3. *Title:* Notification of Distribution From a Generation-Skipping Trust.

OMB Number: 1545–1143.

Form Number: 706–GS(D–1).

Abstract: Form 706–GS(D–1) is used by trustees to provide information to the IRS and to distributees regarding generation-skipping distributions from trusts. The information is needed by distributees to compute the generation-skipping tax imposed by Internal Revenue Code section 2601. The IRS uses the information to verify that the tax has been properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 80,000.

Estimated Time per Respondent: 4 hours, 22 minutes.

Estimated Total Annual Burden Hours: 348,800.

4. *Title:* Revenue Procedure 97–43, Procedures for Electing Out of Exemptions Under Section 1.475(c)–1, and Revenue Ruling 97–39, Mark-to-Market Accounting Method for Dealers in Securities.

OMB Number: 1545–1558.

Revenue Procedure Number: Revenue Procedure 97–43.

Revenue Ruling Number: Revenue Ruling 97–39.

Abstract: Revenue Procedure 97–43 provides taxpayers automatic consent to change to mark-to-market accounting for securities after the taxpayer elects under regulation section 1.475(c)–1, subject to certain terms and conditions. Revenue Ruling 97–39 provides taxpayers additional mark-to-market guidance under section 475 of the Internal Revenue Code.

Current Actions: There are no changes being made to the revenue procedure or revenue ruling at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 1,000.

5. *Title:* Modernized e-File—Non-compliance with Mandate for Large Corporations to file electronically.

OMB Number: 1545–2023.

Form Number: MeF letter.

Abstract: Service will contact those taxpayers who file paper income tax returns to determine if these taxpayers should have filed electronic returns under the Mandate, Treasury Regulation Section 301.6011–5T.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 20,250.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 2,080.

6. *Title:* Form 8971, Information Regarding Beneficiaries Acquiring Property from a Decedent.

OMB Number: 1545–2264.

Form Number: 8971.

Abstract: The Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 requires executors of an estate and other persons who are required to file a Form 706, Form 706–NA, or Form 706–A, to report to the Internal Revenue Service (IRS) and to each beneficiary receiving property from an estate the estate tax value of the property, if the return is filed after July 31, 2015. Form 8971 is used to report to the IRS and a Schedule A will be sent to each beneficiary and a copy of each Schedule A will be attached to the Form 8971. Some property received by a beneficiary may have a consistency requirement, meaning that the beneficiary must use the value reported on the Schedule A as the beneficiary's initial basis of the property.

A beneficiary is an individual, trust, or other estate who has acquired (or is expected to acquire) property from the estate. If the executor is also a beneficiary who has acquired (or is expected to acquire) property from the estate, the executor is a beneficiary for purposes of the Form 8971 and Schedule A.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, Business or other for-profit organization, and not-for-profit institutions.

Estimated Number of Responses: 10,000.

Estimated Time Per Response: 5.31 minutes.

Estimated Total Annual Burden Hours: 53,100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: March 11, 2016.

Elaine Christophe,

IRS Tax Analyst.

[FR Doc. 2016–06085 Filed 3–17–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8912

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8912, Credit to Holders of Tax Credit Bonds.

DATES: Written comments should be received on or before May 17, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Credit to Holders of Tax Credit Bonds.

OMB Number: 1545–2025.

Form Number: Form 8912.

Abstract: Form 8912, Credit to Holders of Tax Credit Bonds, was developed to carry out the provisions of Internal Revenue Code sections 54 and 1400N(l). The form provides a means for the taxpayer to claim the credit for the following tax credit bonds: Clean renewable energy bond (CREB), New clean renewable energy bond (NCREB), Qualified energy conservation bond (QECB), Qualified zone academy bond (QZAB), Qualified school construction bond (QSCB), and Build America bond (BAB).

Current Actions: There is a change in the paperwork burden previously approved by OMB. Parts IV and V were added to report bond credit not reported on Form 1097–BTC, resulting in an overall hourly increase of 1,335 hours. The new burden total for this collection is 6,890 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 13 hours 47 minutes.

Estimated Total Annual Burden Hours: 6,890.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate 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 of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 2016.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2016–06084 Filed 3–17–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Commissioner of Internal Revenue; Charter Renewal

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Charter for the Taxpayer Advocacy Panel Committee (TAP), has been renewed for a two-year period beginning March 8, 2016.

FOR FURTHER INFORMATION CONTACT: Ms.Sheila Andrews, Taxpayer Advocacy Panel Director, at *TaxpayerAdvocacyPanel@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), and with the approval of the Secretary of the Treasury to announce the charter renewal for the Taxpayer Advocacy Panel Committee (TAP). The TAP purpose is to provide a taxpayer perspective to the Internal Revenue Service (IRS) on critical tax administrative programs. The TAP shall provide listening opportunities for taxpayers to independently identify suggestions or comments to improve IRS customer service through grass roots outreach efforts, and have direct access to elevate improvement recommendations to the appropriate operating divisions. The TAP shall also serve as a focus group to provide suggestions and/or recommendations directly to IRS management on IRS strategic initiatives.

Dated: March 10, 2016.

Theresa Singleton,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–06086 Filed 3–17–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2, that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on April 28–29, 2016, at 1001 16th Street NW., Washington, DC, from 9:00 a.m. until 5:30 p.m. on April 28 and from 8:30 a.m. to 2:30 p.m. on April 29. All sessions will be open to the public, and for interested parties who cannot attend in person, there is a toll-free telephone number (800) 767–1750; access code 56978#.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War in 1990–1991.

The Committee will review VA program activities related to Gulf War Veterans' illnesses, and hear updates on relevant scientific research published since the last Committee meeting. Presentations will include updates on the VA Gulf War research program, along with research presentations describing neurological problems in Gulf War Veterans. There will also be a discussion of Committee business and activities.

The meeting will include time reserved for public comments each afternoon. Sign-up sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Dr. Victor Kalasinsky via email at *Victor.Kalasinsky@va.gov.* Any member of the public seeking additional information should contact Dr. Kalasinsky, Designated Federal Officer, at (202) 443–5600.

Dated: March 15, 2016.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2016–06153 Filed 3–17–16; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

The President

Executive Order 13722—Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea

Federal Register
Vol. 81, No. 53
Friday, March 18, 2016

Presidential Documents

Title 3—

The President

Executive Order 13722 of March 15, 2016

Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the United Nations Participation Act of 1945 (22 U.S.C. 287c) (UNPA), the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 2270 of March 2, 2016,

I, BARACK OBAMA, President of the United States of America, find that the Government of North Korea's continuing pursuit of its nuclear and missile programs, as evidenced most recently by its February 7, 2016, launch using ballistic missile technology and its January 6, 2016, nuclear test in violation of its obligations pursuant to numerous UNSCRs and in contravention of its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks, increasingly imperils the United States and its allies. To address those actions, and to take additional steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008, as modified in scope and relied upon for additional steps in subsequent Executive Orders, I hereby order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the Government of North Korea or the Workers' Party of Korea are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order or pursuant to the export control authorities implemented by the Department of Commerce, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

Sec. 2. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to operate in any industry in the North Korean economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be subject to this subsection, such as transportation, mining, energy, or financial services;

(ii) to have sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, metal, graphite, coal, or software, where any revenue or goods received may benefit the

Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs;

(iii) to have engaged in, facilitated, or been responsible for an abuse or violation of human rights by the Government of North Korea or the Workers' Party of Korea or any person acting for or on behalf of either such entity;

(iv) to have engaged in, facilitated, or been responsible for the exportation of workers from North Korea, including exportation to generate revenue for the Government of North Korea or the Workers' Party of Korea;

(v) to have engaged in significant activities undermining cybersecurity through the use of computer networks or systems against targets outside of North Korea on behalf of the Government of North Korea or the Workers' Party of Korea;

(vi) to have engaged in, facilitated, or been responsible for censorship by the Government of North Korea or the Workers' Party of Korea;

(vii) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this order;

(viii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order; or

(ix) to have attempted to engage in any of the activities described in subsections (a)(i)–(viii) of this section.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order. The prohibitions in subsection (a) of this section are in addition to export control authorities implemented by the Department of Commerce.

Sec. 3. (a) The following are prohibited:

(i) the exportation or reexportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services, or technology to North Korea;

(ii) new investment in North Korea by a United States person, wherever located; and

(iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order or pursuant to the export control authorities implemented by the Department of Commerce, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

Sec. 4. I hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in subsection 2(a) of this order would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants or nonimmigrants, of such persons. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 5. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by,

to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 or 2 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13466, and I hereby prohibit such donations as provided by sections 1 and 2 of this order.

Sec. 6. The prohibitions in sections 1 and 2 of this order include but are not limited to:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 7. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 8. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations (including its specialized agencies, programmes, funds, and related organizations) by employees, grantees, or contractors thereof.

Sec. 9. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term ''Government of North Korea'' means the Government of the Democratic People's Republic of Korea and its agencies, instrumentalities, and controlled entities.

Sec. 10. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13466, there need be no prior notice of a listing or determination made pursuant to section 1 or 2 of this order.

Sec. 11. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 12. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 13. This order is effective at 12:01 a.m. eastern daylight time on March 16, 2016.

THE WHITE HOUSE,
March 15, 2016.

[FR Doc. 2016–06355
Filed 3–17–16; 11:15 am]
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